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## FEDERAL SECURITY AGENCY FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to Section 705 of the Food, Drug, and Cosmetic Act]

17351-17400

#### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD,

*Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 1, 1951.

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## DAIRY PRODUCTS

## BUTTER

**17351. Adulteration of butter. U. S. v. Fairmont Foods Co. Plea of guilty. Fine, \$200. (F. D. C. No. 30113. Sample No. 69763-K.)**

**INFORMATION FILED:** April 2, 1951, against the Fairmont Foods Co., a corporation, Youngstown, Ohio.

**ALLEGED SHIPMENT:** On or about October 5, 1950, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** (Carton) "Blue Ribbon Parch The Fairmont Creamery Co. Youngstown, Ohio"; (wrapper) "Blue Ribbon Brand Butter Packed By Fairmont Foods Company 1 Lb. General Offices, Omaha, Neb., U. S. A."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, fly fragments, vinegar fly eggs, rodent hair fragments, and feather barbules; and the article consisted in part of a decomposed substance since the product was made from decomposed cream.

**DISPOSITION:** April 13, 1951. A plea of guilty having been entered, the court imposed a fine of \$200.

**17352. Adulteration of butter. U. S. v. Beaver Valley Creameries, Inc., and Elmer R. Schultz. Each defendant fined \$150. (F. D. C. No. 30109. Sample No. 85229-K.)**

**INFORMATION FILED:** May 15, 1951, District of North Dakota, against Beaver Valley Creameries, Inc., Wishek, N. Dak., and Elmer R. Schultz, president of the corporation.

**ALLEGED SHIPMENT:** On or about August 14, 1950, from the State of North Dakota into the State of Minnesota.

**LABEL, IN PART:** "Butter Beaver Valley Brand \* \* \* Beaver Valley Creameries, Inc. Wishek, North Dakota."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 19, 1951. Pleas of guilty having been entered, the court imposed a fine of \$150 against each defendant. Costs also were assessed.

**17353. Adulteration and misbranding of butter. U. S. v. Ephraim Creamery Co., a partnership. Plea of guilty. Fine, \$105. (F. D. C. No. 30569. Sample Nos. 67818-K, 67822-K.)**

**INFORMATION FILED:** April 13, 1951, District of Utah, against the Ephraim Creamery Co., a partnership, Salt Lake City, Utah.

**ALLEGED VIOLATION:** On or about March 27, 1944, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce, at Salt Lake City, Utah, a guaranty to the effect that no butter shipped or delivered by the defendant would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about August 1 and 18, 1950, the defendant shipped and delivered to the holder of the guaranty, at Salt Lake City, Utah, two lots of butter, one which was adulterated and misbranded and the other which was misbranded.

**LABEL, IN PART:** (Boxes, both lots) "One Pound Net Weight Cloverbloom \* \* \* Butter"; (prints, 1 lot) "Four Ounces Net Weight."

**NATURE OF CHARGE:** Adulteration (1 lot), Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (both lots), Section 403 (e) (2), the labels failed to bear accurate statements of the quantity of the contents since the product was short of the declared weight.

**DISPOSITION:** April 20, 1951. A plea of guilty having been entered, the court imposed a fine of \$105.

### CHEESE

**17354. Adulteration of Cheddar cheese. U. S. v. Charles F. Umland (Colfax Cheese Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 30595. Sample Nos. 58944-K, 83745-K.)**

**INFORMATION FILED:** May 10, 1951, Southern District of Illinois, against Charles F. Umland, trading as the Colfax Cheese Co., Colfax, Ill.

**ALLEGED VIOLATION:** On or about November 21, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at Chicago, Ill., a guaranty to the effect that no cheese shipped or delivered by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about November 6 and December 1, 1950, the defendant sold and delivered under the guaranty, at Chicago, Ill., a number of boxes of cheese that was adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and manure fragments, and by reason of the use of filthy-contaminated milk in the preparation of the product.

**DISPOSITION:** May 21, 1951. A plea of guilty having been entered, the court imposed a fine of \$300.

**17355. Adulteration of Cheddar cheese. U. S. v. 40 Cheddars \* \* \*. (F. D. C. No. 30187. Sample No. 69670-K.)**

**LIBEL FILED:** December 4, 1950; amended libel filed January 3, 1951, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about October 7, 1950, by the Supreme Dairy Products Co., from Macomb, Ill., to Curwensville, Pa., and later returned to the Supreme Dairy Products Co., at Macomb, Ill.

**PRODUCT:** 40 70-pound Cheddars at Macomb, Ill.

**LABEL, IN PART:** "Illinois Cheddar Cheese Made From Pasteurized Milk."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance since it was made from filthy milk and contained manure fragments.

**DISPOSITION:** On January 3, 1951, 29 cheeses which had been seized in excess of the amount covered by the libel were ordered returned to the Supreme Dairy Products Co. On July 9, 1951, a default decree of condemnation was entered with respect to the 40 cheeses, and the court ordered that they be destroyed.

17356. **Adulteration of Cheddar cheese.** U. S. v. 24 Cheeses \* \* \*. (F. D. C. No. 30126. Sample No. 69558-K.)

**LIBLE FILED:** November 10, 1950, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about September 29, 1950, by the Supreme Dairy Products Co., from Macomb, Ill.

**PRODUCT:** 24 Cheddar cheeses weighing from 65 to 75 pounds each at Curwensville, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance in that it had been prepared from filthy milk and contained manure and insect parts; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 15, 1951. Default decree of condemnation and destruction. On June 21, 1951, an amended decree was entered, which ordered that the product be delivered to a public institution, for use as animal feed.

17357. **Adulteration of Swiss cheese.** U. S. v. 20 Bricks \* \* \*. (F. D. C. No. 30723. Sample No. 31974-L.)

**LIBLE FILED:** On or about April 4, 1951, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about January 2, 1951, by the Borden Cheese Co., from Chicago, Ill.

**PRODUCT:** 20 bricks of various weights of Swiss cheese at Springfield, Mo.

**LABEL, IN PART:** "Borden's Natural Swiss Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** On or about June 6, 1951. Default decree of condemnation and destruction.

17358. **Adulteration of Ricotta cheese and cheese curd.** U. S. v. Bart Peluso (Bart Peluso Cheese Mfg. Co.). Plea of guilty. Defendant fined \$150 on count 1 and placed on probation for 3 years on count 2. (F. D. C. No. 29647. Sample Nos. 74113-K, 74114-K.)

**INFORMATION FILED:** November 7, 1950, Middle District of Pennsylvania, against Bart Peluso, trading as the Bart Peluso Cheese Mfg. Co., Potter Brook, Pa.

**ALLEGED SHIPMENT:** On or about June 26, 1950, from the State of Pennsylvania into the State of New York.

**LABEL, IN PART:** (Ricotta cheese) "Pasteurized Ricotta Manufactured Exclusively for Eagle Cheese Company, Brooklyn, N. Y. 3 Lb. Potter Brook, Pa." The cheese curd was unlabeled.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of maggots, insect fragments, rodent hair fragments, mites, and nondescript dirt; and, Section 402 (a) (4), the products had been prepared and held under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** June 4, 1951. A plea of guilty having been entered, the court imposed a fine of \$150 on count 1 and placed the defendant on probation for 3 years on count 2.

## MISCELLANEOUS DAIRY PRODUCTS

**17359. Adulteration and misbranding of canned evaporated skimmed milk.**  
U. S. v. 326 Cases, etc. (F. D. C. No. 30520. Sample Nos. 12853-L, 12854-L.)

**LIBEL FILED:** February 6, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about January 11, 1951, by the Carthage Creamery Co., from Carthage, Mo.

**PRODUCT:** Evaporated skimmed milk. 326 cases, each containing 48 14½-ounce cans, some labeled and others unlabeled; and 8 cases, each containing 6 unlabeled 1-gallon cans, at Denver, Colo.

**LABEL, IN PART:** (Can) "Sunny Brand Skimmed Homogenized Evaporated Milk"; (cases) "Not For Human Consumption."

**NATURE OF CHARGE:** Adulteration (326-case lot), Section 402 (a) (3), the product was unfit for food by reason of the presence of clabbered milk and leaking cans.

Misbranding (8-case lot and unlabeled portion of 326-case lot), Sections 403 (e) (1) and (2), the product was a food in package form, and it failed to bear a label containing the name and place of business of the packer or distributor and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the product failed to bear a label containing the common or usual name of the food.

**DISPOSITION:** April 17, 1951. Default decree of condemnation. The court ordered that the product be sold for use as animal feed and that it be prepared for such purpose under the supervision of the Food and Drug Administration.

**17360. Adulteration and misbranding of nonfat dry milk solids.** U. S. v. 116 Drums \* \* \*. (F. D. C. No. 30653. Sample Nos. 30754-L, 30755-L, 31553-L, 31554-L.)

**LIBEL FILED:** February 16, 1951, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about October 6 and 7, 1950, by the Central Farm Products Co., Allerton, Iowa.

**PRODUCT:** 116 drums of nonfat dry milk solids at St. Louis, Mo.

**LABEL, IN PART:** "Roller Process Super Test Non-Fat Dry Milk Solids Net Weight 200 Lbs."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product prepared in whole or in part from neutralized sour skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the label statement "Non-Fat Dry Milk Solids" was false and misleading as applied to an article prepared from neutralized sour skim milk.

**DISPOSITION:** April 5, 1951. The Central Farm Products Co., Trenton, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be sold for use as animal feed, under the supervision of the Food and Drug Administration.

## EGGS AND EGG PRODUCTS

**17361. Adulteration of eggs. U. S. v. 116 Cases \* \* \*. (F. D. C. No. 29725. Sample No. 81438-K.)**

**LIBEL FILED:** September 11, 1950, District of New Jersey.

**ALLEGED SHIPMENT:** On or about September 5, 1950, by Harry Cohen, from Dover, Del.

**PRODUCT:** 116 second-hand egg crates each containing 30 dozen eggs at Cowtown, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten eggs.

**DISPOSITION:** September 14, 1950. Harry Cohen having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be disposed of for use as stock feed or for technical uses. On October 3, 1950, an amended decree was entered, ordering that the product be denatured and disposed of for use as tanning oil.

**17362. Adulteration of whole egg powder. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 30754. Sample Nos. 24103-L, 24107-L.)**

**LIBEL FILED:** March 16, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 30, 1949, from Moorhead, Minn.

**PRODUCT:** 14 cases, each containing 24 8-ounce cans, of whole egg powder at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and wood splinters. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 9, 1951. Default decree of condemnation and destruction.

## FISH AND SHELLFISH

**17363. Adulteration of herring in vinegar brine. U. S. v. 49 Barrels, etc. (F. D. C. No. 30368. Sample Nos. 74025-K, 92130-K, 92131-K.)**

**LIBEL FILED:** January 4, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** The product was imported on or about October 19, 1949, from Canada.

**PRODUCT:** Herring in vinegar brine. 49 barrels, each containing approximately 400 pounds, and 14 barrels, each containing approximately 250 pounds at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 8, 1951. Isidore Adelman, New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the good portion from the bad, under the supervision of

the Food and Drug Administration. Salvage operations resulted in the release of 13,450 pounds of the product as good and the destruction of 9,210 pounds. The rejected portion was denatured.

**17364. Adulteration and misbranding of canned mackerel. U. S. v. 24 Cases**  
\* \* \*. (F. D. C. No. 30755. Sample No. 27903-L.)

**LIBLE FILED:** March 19, 1951, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about February 21, 1951, by the Harcourt, Greene Co., from San Francisco, Calif.

**PRODUCT:** 24 cases, each containing 48 15-ounce cans of mackerel at New Orleans, La.

**LABEL, IN PART:** (Can) "Progresso Brand Mackerel."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a different variety of fish, horse (jack) mackerel, had been substituted for mackerel.

Misbranding, Section 403 (a), the label designation "Mackerel" was false and misleading as applied to an article consisting of horse (jack) mackerel.

**DISPOSITION:** May 18, 1951. Default decree of condemnation and destruction.

**17365. Adulteration of canned salmon. U. S. v. 42 Cases** \* \* \*. (F. D. C. No. 30664. Sample No. 17751-L.)

**LIBLE FILED:** February 20, 1951, Southern District of California.

**ALLEGED SHIPMENT:** On or about November 24, 1950, by the Dungeness Sales Co. (Dungeness Crab, Inc.), from Seattle, Wash.

**PRODUCT:** 42 cases, each containing 48 7½-ounce cans, of salmon at Santa Ana, Calif.

**LABEL, IN PART:** "West Haven Brand Salmon."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 28, 1951. The Dungeness Sales Co. (Dungeness Crab, Inc.), claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion of the product, amounting to 1 case and 20 cans, was segregated and destroyed.

**17366. Misbranding of canned sardines. U. S. v. 149 Cases** \* \* \*. (F. D. C. No. 30423. Sample No. 3853-L.)

**LIBLE FILED:** On or about February 6, 1951, District of Maryland.

**ALLEGED SHIPMENT:** On or about December 14, 1950, by the Richmond-Chase Co., from Oakland, Calif.

**PRODUCT:** 149 cases, each containing 48 cans, of sardines at Baltimore, Md.

**LABEL, IN PART:** (Can) "Sea Belle California Sardines Net Weight 15 Oz. \* \* \* Packed by Aeneas Sardine Products Co., Inc., Monterey, Calif."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 15 Oz." was inaccurate. (Examination disclosed that the article was short of the declared weight.)

**DISPOSITION:** May 3, 1951. The Collins Bros., San Francisco, Calif., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled, under the supervision of the Food and Drug Administration.

**17367. Adulteration of canned clams. U. S. v. 17 Cases \* \* \*. (F. D. C. No. 30692. Sample Nos. 28467-L, 28470-L.)**

**LIBEL FILED:** March 13, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 21, 1950, by North Pacific Sea Foods, Inc., from Seattle, Wash.

**PRODUCT:** 17 cases, each containing 48 7-ounce cans, of minced clams at Stockton, Calif. Examination showed that the product contained excessive packing medium.

**LABEL, IN PART:** "Alaska Minced Razor Clams Packed By H. M. Parks Co. Cordova, Alaska."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

**DISPOSITION:** April 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

**17368. Adulteration of crab meat. U. S. v. Lancaster Seafoods, Inc., and John Curlett, Jr. Pleas of not guilty. Tried to the court. Verdict of guilty. Each defendant fined \$500 on count 1; imposition of sentence on count 2 suspended for 1 year. (F. D. C. No. 29654. Sample Nos. 66940-K, 67521-K.)**

**INFORMATION FILED:** November 13, 1950, Eastern District of Virginia, against Lancaster Seafoods, Inc., Morattico, Va., and John Curlett, Jr., secretary and treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about July 26 and 31, 1950, from the State of Virginia into the State of New York and the District of Columbia.

**LABEL, IN PART:** "Lancaster Seafoods, Inc. Regular Crab [or "Claw Crab"] Meat 1 Lb. Net Morattico, Va."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance as evidenced by the presence of fecal *Escherichia coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** Pleas of not guilty having been entered, the matter came on for trial before the court on May 24, 1951, and a verdict of guilty was returned. On June 19, 1951, the court fined each defendant \$500 on count 1 and suspended sentence for 1 year on count 2.

**17369. Adulteration of canned shrimp. U. S. v. 19 Cases \* \* \*. (F. D. C. No. 30703. Sample No. 13071-L.)**

**LIBEL FILED:** March 21, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about September 24, 1949, by the Orleans Seafood Co., from New Orleans, La.

**PRODUCT:** 19 cases, each containing 48 5-ounce cans, of shrimp at Denver, Colo.

**LABEL, IN PART:** "Gulf Belle Brand Medium Shrimp Drained Weight 5 Ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** May 3, 1951. Default decree of condemnation and destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**17370. Adulteration of canned black raspberries. U. S. v. 149 Cases \* \* \*.**  
(F. D. C. No. 29232. Sample No. 72525-K.)

**LIBEL FILED:** May 19, 1950, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about August 18, 1949, by the Paw Paw Canning Co., from Paw Paw, Mich.

**PRODUCT:** 149 cases, each containing 6 6-pound, 7-ounce cans of black raspberries at Indianapolis, Ind.

**LABEL, IN PART:** "Pleasant Flavor Black Raspberries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** August 8, 1950. Default decree of condemnation and destruction.

### FROZEN FRUIT

**17371. Adulteration of frozen strawberries. U. S. v. 57 Barrels \* \* \*.**  
(F. D. C. No. 30479. Sample No. 90382-K.)

**LIBEL FILED:** January 11, 1951, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 26, 1950, by Lutz & Schramm, per Northwest Ice & Cold Storage Co., from Portland, Oreg.

**PRODUCT:** 57 385-pound barrels of frozen strawberries at Pittsburgh, Pa.

**LABEL, IN PART:** "Marshall Strawberries Lewis Packing Co., Gresham, Oregon."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rotten and moldy berries.

**DISPOSITION:** March 7, 1951. The Lewis Packing Co. of Gresham, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the destruction of 42 barrels as unfit and the release of 15 barrels.

**17372. Adulteration of frozen sliced strawberries. U. S. v. 300 Tins \* \* \*.**  
(F. D. C. No. 29375. Sample Nos. 63961-K, 63964-K.)

**LIBEL FILED:** On or about July 3, 1950, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 5, 1950, by Colonial Cannery, Inc., from Independence, La.

**PRODUCT:** 300 30-pound tins of frozen sliced strawberries at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: July 19, 1951. The Colonial Cannery, Inc., having withdrawn its claim and answer, a default decree of condemnation and destruction was entered.

### PRESERVES

**17373. Adulteration of strawberry preserves. U. S. v. Fruitcrest Corp. Plea of guilty. Fine \$1,800. (F. D. C. No. 29591. Sample Nos. 57277-K, 57279-K, 57308-K, 57619-K, 62792-K, 62793-K.)**

INFORMATION FILED: September 27, 1950, Eastern District of New York, against the Fruitcrest Corp., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about July 5, 11, 18, and 19, and August 15, 1949, from the State of New York into the States of Connecticut, New Jersey, and Massachusetts.

LABEL, IN PART: "Fruitcrest Pure De Luxe Strawberry Preserves Packed by Fruitcrest Corp. Brooklyn, N. Y." or "Paramount Pure Strawberry Preserves Packed by Paramount Preserve Co. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance.

DISPOSITION: May 23, 1951. A plea of guilty having been entered, the court imposed a fine of \$1,800 against the corporation.

**17374. Adulteration and misbranding of peach preserves. U. S. v. 25 Cases \* \* \*. (F. D. C. No. 30727. Sample No. 13670-L.)**

LIBEL FILED: April 5, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about January 26, 1951, by the J. F. Garvey Co., from Lincoln, Nebr.

PRODUCT: 25 cases, each containing 6 8 1/4-pound cans, of peach preserves at Denver, Colo.

LABEL, IN PART: "Mrs. Kellogg's Institution Style Peach Preserves Packed by Economy Food Products Co. Omaha, Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which was deficient in fruit had been substituted in whole or in part for peach preserves.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as peach preserves, and it failed to comply with the definition and standard of identity for peach preserves since it contained less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the saccharine ingredients specified in the definition and standard.

DISPOSITION: May 21, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

### VEGETABLES

**17375. Adulteration of canned black-eyed peas. U. S. v. 77 Cases \* \* \*. (F. D. C. No. 30733. Sample Nos. 15663-L, 15666-L.)**

LIBEL FILED: On or about April 3, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 30, 1950, by the Stilwell Canning Co., from Stilwell, Okla.

PRODUCT: 77 cases, each containing 48 15-ounce cans, of black-eyed peas, at Kansas City, Mo.

LABEL, IN PART: "Stilwell Brand Blackeyed Peas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** May 22, 1951. Default decree of condemnation and destruction.

**17376. Adulteration of canned black-eyed peas. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 30729. Sample No. 2882-L.)**

**LIBEL FILED:** April 2, 1951, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about January 3, 1951, by D. E. Foote & Co., Inc., from Baltimore, Md.

**PRODUCT:** 12 cases, each containing 24 1-pound, 4-ounce cans, of black-eyed peas at Dunbar, W. Va.

**LABEL, IN PART:** "Family Brand Black Eye Peas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested black-eyed peas.

**DISPOSITION:** May 7, 1951. Default decree of condemnation and destruction.

**17377. Adulteration of canned spinach. U. S. v. 578 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30508, 30538. Sample Nos. 10755-L, 12755-L, 12855-L, 12856-L.)**

**LIBELS FILED:** January 31 and February 8, 1951, Southern District of Indiana and District of Colorado.

**ALLEGED SHIPMENT:** On or about November 23, 1950, and January 16, 1951, by the Russellville Canning Co., from Russellville, Ark.

**PRODUCT:** Spinach. 578 cases, each containing 24 1-pound, 11-ounce cans, at Indianapolis, Ind., and 352 cases, each containing 24 1-pound, 2-ounce cans, and 152 cases, each containing 24 1-pound, 11-ounce cans, at Denver, Colo.

**LABEL, IN PART:** "Hoosier Poet [or "Red and White" or "Brimfull"] Brand Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 28 and April 12, 1951. Default decrees of condemnation and destruction.

**17378. Adulteration of canned spinach. U. S. v. 499 Cases \* \* \*. (F. D. C. No. 30526. Sample No. 11656-L.)**

**LIBEL FILED:** February 5, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about January 24, 1951, by the Kroger Co., from St. Louis, Mo.

**PRODUCT:** 499 cases at Cincinnati, Ohio.

**LABEL, IN PART:** "Miss Del Brand Spinach \* \* \* Grown and Packed by Mississippi Valley Canning Co., Osceola, Ark."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 21, 1951. Default decree of condemnation and destruction.

**17379. Adulteration of canned spinach. U. S. v. 226 Cases \* \* \*. (F. D. C. No. 30641. Sample No. 516-L.)**

**LIBEL FILED:** February 16, 1951, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about November 1 and December 5, 1950, by the Alma Canning Co., from Alma, Ark.

**PRODUCT:** 226 cases, each containing 48 10-ounce cans, of spinach at Terre Haute, Ind.

**LABEL, IN PART:** "Farmers Pride Brand Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 30, 1951. Default decree of condemnation and destruction.

**17380. Adulteration of canned spinach. U. S. v. 78 Cases \* \* \*. (F. D. C. No. 30663. Sample No. 126-L.)**

**LIBEL FILED:** February 21, 1951, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about December 21, 1950, by the Ozark Packing Co., from Ozark, Ark.

**PRODUCT:** 78 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Evansville, Ind.

**LABEL, IN PART:** "Pride of Ozark Brand Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Examination showed that the product contained worms.)

**DISPOSITION:** April 18, 1951. Default decree of condemnation and destruction.

## TOMATOES AND TOMATO PRODUCTS

**17381. Adulteration of canned tomatoes. U. S. v. Roy Nelson Canning Co. Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 30106. Sample No. 70763-K.)**

**INFORMATION FILED:** April 11, 1951, Western District of Missouri, against the Roy Nelson Canning Co., a partnership, Abesville, Mo.

**ALLEGED SHIPMENT:** On or about October 13, 1950, from the State of Missouri into the State of Oklahoma.

**LABEL, IN PART:** "Smile Girl Brand Hand Packed Tomatoes 10 Oz. AVD. Distributed By Canners Exchange, Inc. Springfield, Mo."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of maggots and fly eggs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 28, 1951. A plea of guilty having been entered, the court imposed a fine of \$150, plus costs.

**17382. Adulteration and misbranding of canned tomatoes. U. S. v. 996 Cases \* \* \*. (F. D. C. No. 29853. Sample Nos. 65431-K, 65432-K.)**

**LIBEL FILED:** November 17, 1950, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 30 and October 3, 1950, by Merritt Food Products, Inc., from Sweetser, Ind.

**PRODUCT:** 996 cases, each containing 6 unlabeled No. 10 cans, of tomatoes at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as canned tomatoes, and it failed to comply with the definition and standard of identity since it contained added water, which is not permitted as an ingredient of canned tomatoes; and, Section 403 (h) (1), the product failed to comply with the standard of quality for canned tomatoes since it contained excessive peel, and its label failed to bear, as specified by the regulations, a statement that the product fell below the standard.

**DISPOSITION:** March 28, 1951. Merritt Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reprocessing, under the supervision of the Food and Drug Administration. The product was used as an ingredient in the manufacture of chili sauce.

**17383. Adulteration of tomato catsup. U. S. v. 600 Cases \* \* \*. (F. D. C. No. 30174. Sample No. 88872-K.)**

**LIBEL FILED:** November 30, 1950, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about November 7, 1950, by the Vincennes Packing Corp., from Lockport, N. Y.

**PRODUCT:** 600 cases, each containing 24 14-ounce bottles, of tomato catsup at Dayton, Ohio.

**LABEL, IN PART:** "Honey Grove Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** February 7, 1951. The Vincennes Packing Corp., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit and destruction of the latter, under the supervision of the Food and Drug Administration. Segregation operations were unsuccessful, and the entire lot was destroyed.

**17384. Adulteration of tomato juice and tomato catsup. U. S. v. 160 Cases, etc. (and 1 other seizure action). (F. D. C. No. 30140. Sample Nos. 88851-K, 88853-K.)**

**LIBELS FILED:** On or about November 17, 1950, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 26, 1950, by the Vincennes Packing Corp., from Lockport, N. Y.

**PRODUCT:** 174 cases, each containing 12 1-quart, 14-ounce cans, of tomato juice, and 552 cases, each containing 24 14-ounce bottles, of tomato catsup, at York, Pa.

**LABEL, IN PART:** "Shurfine Tomato Juice" or "Penn Dale Brand Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed tomato material.

**DISPOSITION:** January 3, 1951. The Vincennes Packing Corp., Vincennes, Ind., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the products be released under bond for the purpose of segregating the fit portion from the unfit, under the supervision of the Food and Drug Administration. Salvage operations resulted in the destruction of 126 cases of tomato catsup and all of the tomato juice seized, 104 cases, and the release of 362 cases of tomato catsup.

**17385. Adulteration of tomato juice. U. S. v. 219 Cases \* \* \*. (F. D. C. No. 30305. Sample No. 1992-K.)**

**LIBEL FILED:** November 30, 1950, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about September 22, 1950, by the Comstock Canning Corp., from Egypt, N. Y.

**PRODUCT:** 219 cases of tomato juice at Columbia, S. C.

**LABEL, IN PART:** (Can) "CS Tomato Juice Contents 1 pt. 2 fl. ozs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** May 28, 1951. The Comstock Canning Corp. having appeared and filed an answer to the libel, but subsequently having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

## MEAT AND POULTRY

**17386. Adulteration of frozen rabbits. U. S. v. 1,970 Pounds \* \* \*. (F. D. C. No. 30740. Sample No. 24302-L.)**

**LIBEL FILED:** March 16, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 20, 1948, by United Egg & Poultry Co., Inc., from LaBelle, Mo.

**PRODUCT:** 1,970 pounds of frozen rabbits, in 30 boxes, at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of fecal matter and hair.

**DISPOSITION:** April 12, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to a representative of the Food and Drug Administration and that the remainder of the product be destroyed.

**17387. Adulteration of dressed poultry. U. S. v. Fennema Products, Inc., Nick Fennema, and Jake W. Iberg. Pleas of nolo contendere. Defendants jointly fined \$30, plus costs. (F. D. C. No. 30087. Sample No. 58936-K.)**

**INFORMATION FILED:** February 23, 1951, District of Kansas, against Fennema Products, Inc., Winfield, Kans., and Nick Fennema, president, and Jake W. Iberg, vice president.

**ALLEGED SHIPMENT:** On or about September 30, 1950, from the State of Kansas into the State of Illinois.

LABEL, IN PART: "Grade 'A' Roasters."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 14, 1951. Pleas of nolo contendere having been entered, the court imposed a joint fine of \$30, plus costs, against the defendants.

**17388. Adulteration of dressed poultry. U. S. v. Farmers Produce, Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 30118. Sample No. 89876-K.)**

INFORMATION FILED: April 24, 1951, District of Minnesota, against Farmers Produce, Inc., Cambridge, Minn.

ALLEGED SHIPMENT: Within the period from on or about September 29 to on or about October 4, 1950, from the State of Minnesota into the State of Nebraska.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: June 12, 1951. A plea of guilty having been entered, the court imposed a fine of \$250.

**17389. Adulteration and misbranding of canned egg noodle chicken dinner and canned boned chicken. U. S. v. 10 Cases \* \* \*. (and 3 other seizure actions). (F. D. C. Nos. 30466, 30467, 30477, 30482. Sample Nos. 70795-K, 89761-K, 94501-K, 15956-L.)**

LIBELS FILED: January 3, 4, 11, and 12, 1951, District of Kansas, Northern and Western Districts of Oklahoma, and Northern District of Alabama.

ALLEGED SHIPMENT: On or about February 5, August 2, September 19, and December 5 and 19, 1950, by C. A. Swanson & Sons, from Omaha, Nebr.

PRODUCT: Egg noodle chicken dinner. 10 cases at Kansas City, Kans., and 19 cases at Tulsa, Okla., each case containing 24 1-pound cans.

Boned chicken. 455 cases at Birmingham, Ala., each case containing 36 6-ounce cans; and 14 cases at Oklahoma City, Okla., each case containing 24 1-pound cans.

LABEL, IN PART: "Swanson Ever Fresh Brand Egg Noodle Chicken Dinner \* \* \* Chicken Meat \* \* \* Selected Chicken Meat" and "Swanson Boned Chicken Ever Fresh Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the products contained a deleterious substance, sharp chicken bones, which may have rendered the products injurious to health.

Misbranding, Section 403 (a), the statements "Chicken Meat" and "Selected Chicken Meat" on the label of the egg noodle chicken dinner were misleading, and the statement "Boned Chicken" on the label of the boned chicken was false and misleading since both products contained sharp chicken bones.

DISPOSITION: On January 22, 1951, a default decree of condemnation and destruction was entered with respect to the 19 cases of the egg noodle chicken dinner at Tulsa, Okla. On February 6, 1951, on motion of C. A. Swanson & Sons, claimant, the decree was set aside and the case was consolidated with the other cases for trial in the District of Kansas. On April 24, 1951, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

The egg noodle chicken dinner was destroyed. The boned chicken was re-examined, and after the removal of all bones, the product was frozen and was to be used in chicken spread.

## NUTS AND NUT PRODUCTS

**17390. Adulteration of unshelled brazil nuts.** U. S. v. 8 Cases \* \* \*. (F. D. C. No. 30460. Sample No. 90681-K.)

**LIBEL FILED:** On or about January 19, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about November 24, 1950, by S & W Fine Foods, Inc., from Modesto, Calif.

**PRODUCT:** 8 cases, each containing 24 1-pound bags, of unshelled brazil nuts at Seattle, Wash.

**LABEL, IN PART:** "Sunset Brand Large Brazil Nuts Packed By Sunset-Sternau Food Co., San Francisco, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy nuts, and the product was otherwise unfit for food by reason of the presence of rancid nuts.

**DISPOSITION:** June 22, 1951. Default decree of condemnation and destruction.

**17391. Adulteration of Spanish peanuts.** U. S. v. 7 Bags \* \* \*. (F. D. C. No. 30186. Sample No. 83414-K.)

**LIBEL FILED:** December 1, 1950, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 17 and September 25, 1950, from San Angelo, Tex.

**PRODUCT:** 7 120-pound bags of shelled Spanish peanuts at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 29, 1951. Default decree of condemnation and destruction.

**17392. Adulteration of desiccated coconut.** U. S. v. 91 Bags, etc. (F. D. C. No. 30626. Sample Nos. 20757-L, 20758-L.)

**LIBEL FILED:** February 12, 1951, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about December 16, 1950, by Bingham & Co., from New Orleans, La.

**PRODUCT:** 288 100-pound bags of desiccated coconut at Birmingham, Ala.

**LABEL, IN PART:** "Palm Brand Pie [or "Fancy"] Shred Desiccated Coconut Luzon Desiccated Corporation, Manila, P. I."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed coconut.

**DISPOSITION:** March 9, 1951. Oriental Pacific Traders, Inc., San Francisco, Calif., claimant, having admitted the allegations contained in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be shipped to a soap manufacturer for the purpose of

extracting the coconut oil, under the supervision of the Food and Drug Administration. The resulting oil was disposed of for nonfood purposes.

**17393. Adulteration of shredded coconut and tapioca. U. S. v. 26 Cases, etc.** (F. D. C. No. 30229. Sample Nos. 90241-K, 90242-K.)

**LIBEL FILED:** December 22, 1950, District of Idaho.

**ALLEGED SHIPMENT:** On or about December 29, 1947, and January 2, 1948, from Los Angeles, Calif.

**PRODUCT:** 26 cases, each containing 30 8-ounce packages, of tapioca, and 6 cases, each containing 24 4-ounce packages, of shredded coconut, at Lewiston, Idaho.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insects. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 24, 1951. Default decree of forfeiture and destruction.

## OIL

**17394. Misbranding of olive oil. U. S. v. 57 Cans \* \* \*. (F. D. C. No. 29844. Sample No. 79383-K.)**

**LIBEL FILED:** October 27, 1950, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about September 26, 1950, by F. Steffanides Co., Inc., from Boston, Mass.

**PRODUCT:** 57 cans of olive oil at Pawtucket, R. I.

**LABEL, IN PART:** (Can) "Contents One Gallon Imported Product Super-Niki Virgin 100% Pure Olive Oil."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The cans contained less than the labeled "One Gallon.")

**DISPOSITION:** November 21, 1950. F. Steffanides Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling or repackaging, under the supervision of the Federal Security Agency.

The cans of oil were weighed, and 4 of the cans were found to have the correct weight. Additional oil was added to the remaining 53 cans to bring the weight up to the required amount.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**17395. Adulteration and misbranding of black pepper. U. S. v. 1 Drum \* \* \*. (F. D. C. No. 30749. Sample No. 1809-L.)**

**LIBEL FILED:** March 12, 1951, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 24, 1951, by Morris Laboratory Co., Inc., from New York, N. Y.

**PRODUCT:** 1 drum, containing 225 pounds, of black pepper at Sumter, S. C.

**LABEL, IN PART:** (Drum) "Morris 100% Pure Black Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label statement "100% Pure Black Pepper" was false and misleading as applied to a mixture of black pepper and paradise seeds.

**DISPOSITION:** May 11, 1951. Default decree of condemnation and destruction.

**17396. Adulteration of chili peppers. U. S. v. 50 Unlabeled Bags \* \* \*. (F. D. C. No. 30492. Sample No. 86634-K.)**

**LIBLE FILED:** January 23, 1951, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 14, 1950, from El Paso, Tex.

**PRODUCT:** 50 unlabeled bags, each containing approximately 60 pounds, of chili peppers at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect parts. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 9, 1951. Luis Badillo, El Paso, Tex., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for cleaning and reconditioning, under the supervision of the Food and Drug Administration. Reconditioning operations resulted in the release of 4,828½ pounds and in the rejection and denaturing of 891 pounds.

**17397. Adulteration of dill seed. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 30495. Sample No. 28092-L.)**

**LIBLE FILED:** January 29, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 21, 1950, by Madhavji Vishram & Co., from Bombay, India.

**PRODUCT:** 6 112-pound bags of dill seed at San Francisco, Calif.

**LABEL, IN PART:** "Dill Seed."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta.

**DISPOSITION:** March 5, 1951. Default decree of condemnation and destruction.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE**

**17398. Adulteration and misbranding of B-1 sparkling water. U. S. v. Charles H. Chapman (B-1 Bottling Co.). Plea of nolo contendere. Fine, \$40. (F. D. C. No. 29999. Sample Nos. 70217-K, 70233-K.)**

**INFORMATION FILED:** November 21, 1950, Western District of Missouri, against Charles H. Chapman, trading as the B-1 Bottling Co., Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about February 14 and March 30, 1950, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Sparkling B-1 Water Club Soda" or "B-1 \* \* \* Sparkling Carbonated Water."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted from the article.

Misbranding, Section 403 (a), certain statements borne on the labels regarding the vitamin B<sub>1</sub> content of the article were false and misleading since the

article contained less vitamin B<sub>1</sub> than represented. A portion of the article was represented to contain 85 International Units of vitamin B<sub>1</sub> and one-third of the minimum daily requirement for vitamin B<sub>1</sub>, and the other portion of the article was represented to contain 50 International Units of vitamin B<sub>1</sub> and one-fifth of the minimum daily requirement for vitamin B<sub>1</sub>.

**DISPOSITION:** December 28, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$40.

**17399. Misbranding of Bone Food (bone phosphate). U. S. v. 1 Drum, etc.**  
(F. D. C. No. 30231. Sample No. 81871-K.)

**LIBEL FILED:** November 9, 1950, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 15, 1950, from Chicago, Ill.

**PRODUCT:** 1 full drum containing 325 pounds and 1 partly filled drum containing 100 pounds of bone phosphate, and 102 1-pound bottles and 98 6½-ounce bottles containing the same product relabeled Bone Food, at Miami, Fla., in possession of Carothers' Laboratory, together with a number of loose bottle labels, a number of circulars entitled "Carothers' Laboratory To The Physician," and a number of placards entitled "Your Bones Can Be Like This."

Examination showed that the Bone Food contained the declared proportion of calcium and phosphorus but less than 1 percent of magnesium.

**RESULTS OF INVESTIGATION:** The article contained in the bottles was repackaged from one of the above-mentioned drums at the point of destination. The consignee had the labels, circulars, and placards printed, and these circulars and placards were sent to customers with initial shipments of the repackaged product.

**LABEL, IN PART:** (Drum) "Bone Phosphate"; (bottle) "Carothers' Bone Food #1 Mineral Supplement To Your Diet Analysis: Calcium 33% Phosphorus 15% Magnesium 14% Iron 710 ppm Zinc 30 ppm Copper 5 ppm Manganese 4 ppm Fluorine 400-500 ppm."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the labeling of the articles in the drums and bottles, namely, the above-mentioned circulars, contained statements which were false and misleading. The statements represented and suggested that the articles would give the user a feeling of health, strength, and well being, whereas the articles would not give the user a feeling of health, strength, and well being. Further misbranding, Section 403 (a), the statement on the bottle label "Magnesium 14%" was false and misleading as applied to the Bone Food, which contained less than one percent of magnesium. The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3395.

**DISPOSITION:** January 12, 1951. Default decree of forfeiture and destruction.

**17400. Adulteration and misbranding of Kevoetts and misbranding of Kevo.**  
**U. S. v. 7½ Cases, etc. (F. D. C. No. 29800. Sample Nos. 78447-K, 78448-K.)**

**LIBEL FILED:** October 19, 1950, Western District of Washington.

**ALLEGED SHIPMENT:** On or about March 22, May 16, July 24, and October 3, 1950, by W-H-Y & Kevo Products Co., Ltd., from Azusa, Calif.

PRODUCT: 7½ cases, each containing 12 14-ounce cans, of Kevo, and 2 8/12 cases, each containing 12 14-ounce cans, of Kevoetts, at Seattle, Wash. Examination showed that both products contained undeclared caffeine.

LABEL, IN PART: (Can) "Drink A Meal Kevo A Delicious Food-Beverage" or "Bartlett's Kevoetts A Delicious (Blended) Dietary Supplement and Confection."

**NATURE OF CHARGE:** Kevoetts. Adulteration, Section 402 (d), the product was confectionery, and it contained a nonnutritive substance, caffeine. Misbranding, Section 403 (j), the product purported to be and was represented as a food for special dietary uses, and its label failed to bear such information concerning its vitamins, mineral, or other dietary properties as determined and promulgated in the regulations.

Kevo. Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: June 18, 1951. Default decree of condemnation and destruction.

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<sup>1</sup> (17368) Prosecution contested.

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<sup>1</sup> (17368) Prosecution contested.





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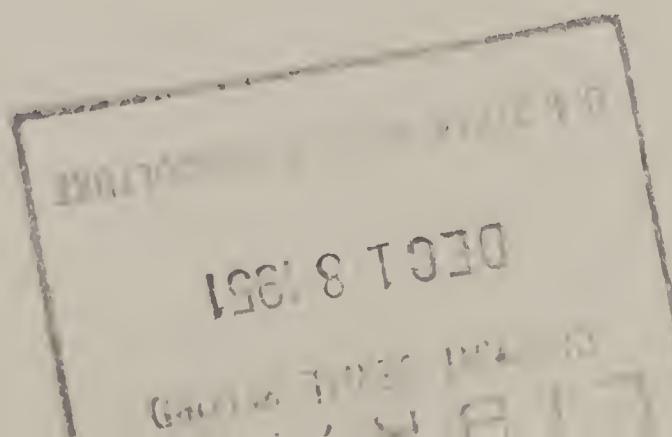
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# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

**17401-17450**

## FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., November 21, 1951.

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## CANDY, SIRUP, AND SUGAR

## CANDY

**17401. Adulteration of candy and salted peanuts.** U. S. v. Newton Mfg. Co., a corporation, and Joseph J. Fay. Pleas of guilty. Corporation fined \$450; individual defendant fined \$150. (F. D. C. No. 30104. Sample Nos. 92803-K, 92805-K, 92806-K.)

**INFORMATION FILED:** March 23, 1951, Southern District of Ohio, against the Newton Mfg. Co., a corporation, Cincinnati, Ohio, and Joseph J. Fay, president of the corporation.

**ALLEGED SHIPMENT:** On or about November 13 and 14, 1950, from the State of Ohio into the State of Kentucky.

**LABEL, IN PART:** (Case) "30 Lbs. Peanut Brittle," "30 Lbs. Net Blanched Salted Peanuts," and "Newport 15 Lbs. Pecco Flake."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** July 6, 1951. Pleas of guilty having been entered, the court imposed a fine of \$450 against the corporation and \$150 against the individual defendant.

**17402. Adulteration of candy.** U. S. v. 384 Boxes, etc. (F. D. C. No. 30752. Sample Nos. 897-L, 898-L.)

**LIBEL FILED:** March 16, 1951, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about January 24 and February 7, 1951, by the Lee Chocolate Co., from Atlanta, Ga.

**PRODUCT:** 384 boxes each containing 16 1-ounce candy bars, and 196 boxes, each containing 24 1½-ounce packages, of chocolate-covered cherries at Charlotte, N. C.

**LABEL, IN PART:** (Bar) "Lee of Atlanta, Georgia 10¢ Pecan Roll"; (package) "Lee of Atlanta, Ga. \* \* \* Chocolate Covered Cherries."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of (in pecan roll) rodent hairs and (in chocolate-covered cherries) rodent hairs, insect fragments, and rodent excreta; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 23, 1951. Default decree of condemnation. The court ordered that in lieu of destruction the product be delivered to a charitable institution, for use as animal feed only.

**17403. Adulteration of candy.** U. S. v. 198 Cartons \* \* \*. (F. D. C. No. 30471. Sample No. 90062-K.)

**LIBEL FILED:** On or about January 11, 1951, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about December 5, 1950, from Forth Worth, Tex. This was a return shipment.

PRODUCT: 198 cartons each containing 100 candy bars at Kansas City, Mo.

LABEL, IN PART: "Net Weight 1 1/8 Oz. Pecanola."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

DISPOSITION: February 13, 1951. Default decree of destruction.

**17404. Adulteration of candy. U. S. v. 34 Cartons, etc. (F. D. C. No. 30833. Sample Nos. 7054-L, 7055-L.)**

LIBEL FILED: February 19, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 5, 1951, by the P. S. Truesdell Co., from Columbus, Ohio.

PRODUCT: 34 22-pound cartons and 22 25-pound cartons of candy at Pittsburgh, Pa.

LABEL, IN PART: (Cartons) "Black Scotties" and "Cherry Jelly Hearts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects in the "Black Scotties" and miscellaneous debris, such as rust, paint scales, threads, soot, and cinders in the "Cherry Jelly Hearts"; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: March 14, 1951. Default decree of condemnation and destruction.

**17405. Adulteration and misbranding of chocolate-dipped strawberries in cordial. U. S. v. Marlon Confections Corp. Plea of guilty. Imposition of sentence suspended. (F. D. C. No. 29180. Sample Nos. 57393-K, 57396-K.)**

INFORMATION FILED: March 28, 1951, Southern District of New York, against the Marlon Confections Corp., New York, N. Y.

ALLEGED SHIPMENT: On or about October 21, 1949, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Marlon Chocolate Double Dipped Strawberries in Cordial."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), the labels of the product indicated that the candy contained whole strawberries, when, in fact, artificially colored grapes had been substituted.

Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to declare the presence of one of the ingredients by its common or usual name, i. e., grapes.

DISPOSITION: April 19, 1951. A plea of guilty having been entered, imposition of sentence was suspended.

#### SIRUP

**17406. Misbranding and alleged adulteration of sorghum sirup. U. S. v. 216 Unlabeled 1-Gallon Cans \* \* \*. (F. D. C. No. 30630. Sample No. 31257-L.)**

LIBEL FILED: February 16, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about October 21, 1950, by G. E. Crocker, from Purvis, Miss.

PRODUCT: 216 unlabeled 1-gallon cans of sorghum sirup at Blytheville, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of corn sirup and sorghum had been substituted in whole or in part for sorghum, which the product was represented to be.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; Section 403 (e), it was food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

**DISPOSITION:** May 25, 1951, J. O. Baker and G. E. Crocker, claimants, having consented to the entry of a decree, the court made its findings that the product was misbranded within the meaning of Section 403 (e) in that the container failed to show the net contents thereof, and within the meaning of Section 403 (i) (2) in that the product was not labeled to show that it was fabricated from two or more ingredients and to show the common or usual name of each such ingredient. Consequently, judgment was entered condemning the product and ordering it released under bond for relabeling, under the supervision of the Food and Drug Administration.

**17407. Adulteration and misbranding of sorghum sirup. U. S. v. 81 Cans \* \* \*.**

(F. D. C. No. 30711. Sample No. 31062-L.)

**LIBEL FILED:** March 16, 1951, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about September 15, 1950, by Jimmie Jones, from Conehatta, Miss.

**PRODUCT:** 81 cans, each containing 9½ pounds, of sorghum sirup at Memphis, Tenn. This product was shipped in unlabeled cans and was represented by the shipper as "Sorghum." At the time of the seizure, a portion had been relabeled by the consignee.

**LABEL, IN PART:** (Portion) "Genuine Mississippi Delta Sorghum 9½ #."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of sorghum, corn sirup, and sucrose had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), It was offered for sale under the name of another food, sorghum; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient. Further misbranding (unlabeled portion), Sections 403 (e) (1) and (2), the product was food in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

**DISPOSITION:** May 3, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**17408. Adulteration and misbranding of sorghum sirup. U. S. v. 82 Cans \* \* \*.**

(F. D. C. No. 30631. Sample No. 11155-L.)

**LIBEL FILED:** February 15, 1951, Southern District of Indiana.

**ALLEGED SHIPMENT:** On or about November 14, 1950, by Roy Lansaw, from Joplin, Mo.

PRODUCT: 82 4½-pound cans of sorghum sirup at Vincennes, Ind.

LABEL, IN PART: "Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of sorghum, corn sirup, and sugar had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (a), the label statement "Sorghum" was false and misleading as applied to a mixture containing sorghum, corn sirup, and sugar; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 28, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

### SUGAR

17409. Adulteration of cane sugar. U. S. v. 1,140 Bags \* \* \*. (F. D. C. No. 30468. Sample No. 94469-K.)

LIBEL FILED: January 4, 1951, Southern District of Alabama.

ALLEGED SHIPMENT: On or about March 2, 1950, from Havana, Cuba.

PRODUCT: 1,140 100-pound bags of cane sugar at Mobile, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent urine; and, Section 402 (a) (4), it had been held and stored under insanitary conditions whereby it may have become contaminated with filthy substances. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 5, 1951. H. H. Pike & Co., Inc., New York, N. Y., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the court ordered that the product be released under bond to be segregated, salvaged, or re-refined, under the supervision of the Food and Drug Administration. It was sold on a raw sugar basis to a refinery.

### CEREALS AND CEREAL PRODUCTS

#### BAKERY PRODUCTS

17410. Action to enjoin and restrain the interstate shipment of adulterated bakery products. U. S. v. Caskey Baking Co., Inc. Decree for injunction entered. Injunction subsequently dismissed. (Inj. No. 195.)

COMPLAINT FILED: June 23, 1948, District of Maryland, against Caskey Baking Co., Inc., Hagerstown, Md.

NATURE OF CHARGE: That the defendant was engaged in the manufacture and interstate distribution of food products, and had been and was at the time of filing the complaint, shipping and causing the shipment into interstate commerce of bread, rolls, and other baked goods which were adulterated under Sections 402 (a) (3) and (4) in that they consisted in part of filthy substances, such as insect fragments, rodent hair fragments, rodent excreta, larvae, and larval head capsules, which had been incorporated into the products during the manufacture and processing thereof, in that the products had been and were being prepared, packed, or held under insanitary conditions at

the defendant's plant whereby they may have become contaminated with filth; that the insanitary conditions in the plant resulted from the use of filthy raw materials contaminated by rodents, insects, rodent hair, and rodent excreta, and from the presence of insect and rodent filth in and around the plant and in and around the machinery, equipment, and raw materials used in the preparation of the products; and that the insanitary conditions resulted also from general carelessness whereby the foods prepared in the defendant's plant were subjected to contamination.

The complaint alleged further that the defendant continued to ship and caused to be shipped in interstate commerce adulterated foods, and alleged on information and belief that the defendant would continue to do so unless restrained.

**DISPOSITION:** On September 13, 1948, the defendant having consented thereto, a decree was entered enjoining and restraining the defendant and all persons acting on its behalf from introducing or delivering for introduction into interstate commerce, food and food products, and specifically bakery products, which were adulterated within the meaning of Sections 402 (a) (3) and (4). On July 19, 1951, the United States attorney having moved dismissal of the injunctive decree, alleging as grounds for such dismissal that he had reason to believe from representations of the defendant and from inspection of the defendant's bakery and the products manufactured therein, that the company was operating in compliance with the Federal Food, Drug, and Cosmetic Act, the court ordered the injunction dismissed.

**17411. Adulteration of cookies.** *U. S. v. Cosmo Pansini (Primato Egg Biscuit Co.). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$400. (F. D. C. No. 29194. Sample Nos. 57063-K, 57064-K.)*

**INFORMATION FILED:** June 30, 1950, District of New Jersey, against Cosmo Pansini, trading as the Primato Egg Biscuit Co., Union City, N. J.

**ALLEGED SHIPMENT:** On or about August 8 and 22, 1949, from the State of New Jersey into the State of New York.

**LABEL, IN PART:** "Primato Special," "Fruit Biscotti," and "Regina."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** A plea of not guilty having been entered, the matter was tried before the jury and a verdict of guilty was entered on March 20, 1951. On April 6, 1951, the court imposed a fine of \$400.

**17412. Adulteration of bread sticks.** *U. S. v. 34 Cases \* \* \*. (F. D. C. No. 30507. Sample No. 29834-L.)*

**LIBEL FILED:** February 13, 1951, Western District of Washington.

**ALLEGED SHIPMENT:** On or about January 10, 1951, by Pierre's French Bakery, from Portland, Oreg.

**PRODUCT:** 34 cases, each containing 48 2-ounce packages, of bread sticks at Seattle, Wash.

**LABEL, IN PART:** "Pierre's Bread Sticks."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects

and insect fragments; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 18, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

### FLOUR

**17413. Adulteration of flour. U. S. v. 205 Bags \* \* \*. (F. D. C. No. 30138.**  
Sample No. 84862-K.)

**LIBEL FILED:** November 16, 1950, Middle District of Tennessee.

**ALLEGED SHIPMENT:** On or about June 9, 1950, by the Marion Milling Co., from Marion, Ohio.

**PRODUCT:** 205 100-pound bags of flour at Nashville, Tenn.

**LABEL, IN PART:** "Soft Wheat Cut-Off Bleached."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects.

**DISPOSITION:** December 12, 1950. Cherokee Mills, Inc., Nashville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into stock feed, under the supervision of the Federal Security Agency.

**17414. Adulteration of flour. U. S. v. 196 Bags. \* \* \*. (F. D. C. No. 30687.**  
Sample No. 4805-L.)

**LIBEL FILED:** March 8, 1951, District of Vermont.

**ALLEGED SHIPMENT:** On or about October 30, 1950, from Lockport, N. Y.

**PRODUCT:** 196 100-pound bags of flour at Burlington, Vt., in possession of the Burlington Grocery Co.

**LABEL, IN PART:** "Pride Bakery Flour."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent hairs; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 9, 1951. The Burlington Grocery Co., Burlington, Vt., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration, and disposal of the unfit for purposes other than for human consumption. 178 100-pound bags of the product were found to be contaminated and were denatured for use as animal feed; the remaining 18 bags were free of contamination and were released.

### MISCELLANEOUS CEREALS AND CEREAL PRODUCTS

**17415. Adulteration of brewers flakes. U. S. v. 63 Bags \* \* \*. (F. D. C. No. 29986. Sample No. 85563-K.)**

**LIBEL FILED:** November 7, 1950, District of Minnesota.

**ALLEGED SHIPMENT:** On or about June 6, 1950, from Milwaukee, Wis.

PRODUCT: 63 bags, each containing 80 pounds, of brewers flakes at Fergus Falls, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 30, 1951. The Falls Breweries of Fergus Falls, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. 26 bags of the product were found to be unfit for human food and were denatured.

**17416. Adulteration of rice. U. S. v. 292 Bags \* \* \*. (F. D. C. No. 30464. Sample No. 35737-K.)**

LIBEL FILED: January 3, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about April 13, 1950, from Houston, Tex.

PRODUCT: 292 50-pound bags of rice at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 31, 1951. Gabriel Gock, San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be cleaned, fumigated, and screened under the supervision of the Food and Drug Administration. 291 bags of recleaned rice were released to the claimant, and 50 pounds of waste material were destroyed.

## DAIRY PRODUCTS

### BUTTER

**17417. Adulteration of butter. U. S. v. Arthur T. Crouch, Howard M. Orsburn, Auda F. McConnell, and Carl M. Corley (A. T. Crouch Creamery Co.), and John Pendergrass. Pleas of nolo contendere. Arthur T. Crouch fined \$200; Howard M. Orsburn, \$200; Auda F. McConnell, \$50; Carl M. Corley, \$20; and John Pendergrass, \$20. (F. D. C. No. 30579. Sample Nos. 54647-K, 76983-K, 77277-K, 77278-K, 85869-K.)**

INFORMATION FILED: April 30, 1951, Western District of Arkansas, against Arthur T. Crouch, Howard M. Orsburn, Auda F. McConnell, and Carl M. Corley, trading and doing business as the A. T. Crouch Creamery Co., a partnership, Bloomer, Ark., and John Pendergrass, manager for the partnership.

ALLEGED SHIPMENT: On or about August 7 and September 19, 1950, from the State of Arkansas into the State of Louisiana.

LABEL, IN PART: (Carton) "Armour Cloverbloom Butter Made From Pasteurized Cream One Pound Net Weight Armour Creameries Distributors General Office Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, feather barbules, mites, and manure fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 2, 1951. Pleas of nolo contendere having been entered, the court fined Arthur T. Crouch \$200, Howard M. Orsburn \$200, Auda F. McConnell \$50, Carl M. Corley \$20, and John Pendergrass \$20.

### CHEESE

**17418. Adulteration of cheese. U. S. v. Ray Umland (Cissna Park Cheese Co.).**  
**Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 30587.**  
**Sample No. 42098-K.)**

**INFORMATION FILED:** May 18, 1951, Eastern District of Illinois, against Ray Umland, trading as the Cissna Park Cheese Co., Cissna Park, Ill.

**ALLEGED VIOLATION:** On or about June 12, 1947, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce at Dixon, Ill., a guaranty to the effect that no cheese shipped or delivered by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about October 16, 1950, the defendant shipped and delivered under the guaranty a number of boxes of cheese which were adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, and manure fragments, and by reason of the use of filth-contaminated milk in its preparation; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 22, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$250, plus costs.

**17419. Adulteration of cheese. U. S. v. Concordia Creamery Co., Inc. Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 30597. Sample No. 77947-K.)**

**INFORMATION FILED:** June 21, 1951, Western District of Missouri, against the Concordia Creamery Co., Inc., Concordia, Mo.

**ALLEGED VIOLATION:** On or about June 23, 1942, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce, at Springfield, Mo., a guaranty to the effect that no cheese sold by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about October 28 and 30, 1950, the defendant, at Springfield, Mo., sold and delivered under the guaranty, a number of boxes of cheese which were adulterated.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and manure fragments, and by reason of the use of filth-contaminated milk in its preparation.

**DISPOSITION:** June 29, 1951. Pleas of guilty having been entered, the court imposed a fine of \$200, plus costs.

## FISH AND SHELLFISH

17420. Adulteration of frozen flounder fillets. U. S. v. A. & D. Fillet Co., a partnership, and Anthony Cognato. Plea of guilty. Anthony Cognato fined \$1 and sentenced to 6 months' imprisonment; prison sentence suspended and individual placed on probation for 6 months. Action against partnership dismissed. (F. D. C. No. 28139. Sample Nos. 19890-K, 54121-K.)

INFORMATION FILED: October 3, 1950, District of Massachusetts, against the A. & D. Fillet Co., a partnership, Gloucester, Mass., and Anthony Cognato, a partner.

ALLEGED VIOLATION: On or about April 11, 1949, the defendants gave to a firm engaged in the business of shipping fish in interstate commerce, at Gloucester, Mass., a guaranty to the effect that no product sold by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about June 13, 1949, the defendant sold and delivered under the guaranty, at Gloucester, Mass., a number of cartons of fish that were adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: On April 16, 1951, a plea of guilty having been entered by the individual defendant, the court imposed a fine of \$1 and sentenced him to 6 months' imprisonment. The prison sentence, however, was suspended and he was placed on probation for 6 months. On July 24, 1951, the charges against the partnership were dismissed in open court, since the partnership had been dissolved and was without funds.

17421. Adulteration of frozen ocean perch fillets. U. S. v. Rocky Bay Fishing Co., a partnership. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 30055. Sample Nos. 42978-K, 60374-K, 60375-K.)

INFORMATION FILED: January 12, 1951, District of Massachusetts, against the Rocky Bay Fishing Co., a partnership, Gloucester, Mass.

ALLEGED SHIPMENT: On or about March 4, 13, and 16, 1950, from the State of Massachusetts into the States of Ohio, Indiana, and Illinois.

LABEL, IN PART: (Package) "Icybay Ocean Perch Fillets \* \* \* Slade Gorton Co. Gloucester, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of parasites, namely, copepods.

DISPOSITION: March 20, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

17422. Adulteration and misbranding of oysters. U. S. v. H. Allen Smith. Plea of guilty. Fine of \$250 on count 1; sentence on count 2 suspended and defendant placed on probation for 2 years. (F. D. C. No. 30099. Sample No. 66984-K.)

INDICTMENT FILED: May 7, 1951, Eastern District of Virginia, against H. Allen Smith, trading and doing business at Cheriton, Va.

**ALLEGED SHIPMENT:** On or about December 16, 1950, from the State of Virginia into the State of Ohio.

**LABEL, IN PART:** (Can) "Genuine Salt Water Oysters Contents One Pint Net H. Allen Smith Cheriton, Va."; (lid) "Oysters Standards."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk and weight and reduce its quality.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oysters standards since the oysters had not been thoroughly drained before packing and were packed with water, an added substance.

**DISPOSITION:** July 27, 1951. A plea of guilty having been entered, the court imposed a fine of \$250 on count 1, suspended sentence on count 2, and placed the defendant on probation for 2 years.

## FRUITS AND VEGETABLES

### FRESH FRUIT

**17423. Adulteration of tangerines. U. S. v. 50 Boxes, etc. (F. D. C. No. 30628. Sample No. 28098-L.)**

**LIBEL FILED:** February 13, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about January 27, 1951, by the J. M. Blythe Produce Co., from Sanford, Fla.

**PRODUCT:** 50 boxes, each containing 120 tangerines, and 468 boxes, each containing 176 tangerines, at San Francisco, Calif.

**LABEL, IN PART:** "Kastner-Roberts Inc. Blue Fresh Citrus Kastner-Roberts Inc. Sanford Florida."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food because of dryness due to frost damage.

**DISPOSITION:** February 27, 1951. Default decree of condemnation and destruction.

### FROZEN FRUIT

**17424. Adulteration of frozen raspberries. U. S. v. 434 Cases \* \* \*. (F. D. C. No. 30828. Sample No. 88754-K.)**

**LIBEL FILED:** On or about February 19, 1951, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about December 13, 1950, by Southland Frozen Foods, Inc., from Webster, N. Y.

**PRODUCT:** 434 cases, each containing 6 6-pound cans, of frozen raspberries at Providence, R. I.

**LABEL, IN PART:** (Can) "Fresh Frozen Columbian Raspberries packed with sugar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed raspberry material.

**DISPOSITION:** April 20, 1951. Default decree of condemnation of destruction.

17425. Adulteration of frozen sliced strawberries. U. S. v. 275 Cans \* \* \*. (and 1 other seizure action). (F. D. C. Nos. 29570, 29881.\* Sample Nos. 65414-K, 65420-K.)

LIBEL FILED: September 15 and 25, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 3, 1950, by Frigid Food Products, Inc., from Detroit, Mich.

PRODUCT: 575 30-pound cans of frozen sliced strawberries at Chicago, Ill.

LABEL, IN PART: "Sliced Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy berries in one lot and rotten berries in the other lot.

DISPOSITION: March 16, 1951. The cases having been consolidated and the Frigid Food Products, Inc., Detroit, Mich., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating and destroying the unfit portion, under the supervision of the Food and Drug Administration. Segregation resulted in the destruction of 291 30-pound cans which were found to be bad.

## VEGETABLES

17426. Adulteration of canned okra. U. S. v. 1,473 Cases \* \* \*. (F. D. C. No. 29934. Sample No. 35645-K.)

LIBEL FILED: October 13, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about July 28, 1950, by the Pine Grove Canning Co., Inc., from St. Martinville, La.

PRODUCT: 1,473 cases, each containing 24 1-pound, 3-ounce cans, of cut okra at San Francisco, Calif.

LABEL, IN PART: "Pine Grove Brand Cut Okra."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 22, 1950. The Pine Grove Canning Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency. On July 30, 1951, the claimant abandoned attempts at sorting out the unfit portion of the product, and the entire lot was destroyed.

17427. Adulteration of green olives. U. S. v. 5½ Cases, etc. (F. D. C. No. 30475. Sample Nos. 90683-K, 90684-K.)

LIBEL FILED: January 12, 1951, Western District of Washington.

ALLEGED SHIPMENT: On or about July 14 and September 3, 1950, from Corning, Calif.

PRODUCT: 5½ cases, each containing 24 5-ounce jars, and 32 cases, each containing 24 10-ounce jars, of green olives at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 18, 1951. Default decree of condemnation and destruction.

**17428. Adulteration of yellow and green split peas and pearl barley. U. S. v. 32 Bags, etc.** (F. D. C. No. 30380. Sample Nos. 35490-K to 35492-K, incl.)

**LABEL FILED:** January 12, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about August 25, 1948, and May 23, July 25, August 23, October 6, and December 13, 1950, from Moscow, Idaho.

**PRODUCT:** 32 25-pound bags of yellow split peas, 10 100-pound bags of fancy green split peas, and 8 100-pound bags of pearl barley at San Francisco, Calif., in possession of the DePue Warehouse Co., Oriental No. 3.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of rodent urine; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 29, 1951. Default decree of condemnation.

**17429. Adulteration of canned spinach. U. S. v. 96 Cases \* \* \* (and 4 other seizure actions).** (F. D. C. Nos. 30550, 30629, 30651, 30670, 30671. Sample Nos. 31057-L, 31060-L, 31757-L, 31782-L, 31872-L, 31873-L, 31959-L, 31960-L.)

**LIBELS FILED:** February 8, 15, 16, and 26, and on or about March 8, 1951, Western Districts of Tennessee, Arkansas, and Missouri and Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about December 15, 1950, and January 1, 19, 20, 27, and 31, 1951, by the Allen Canning Co. from Siloam Springs, Ark.

On or about December 12, 1950, by the Allen Canning Co., from Tulsa, Okla. This was a return shipment.

**PRODUCT:** Spinach. 7 cases at Springfield, Mo., and 96 cases at Memphis, Tenn., each case containing 6 No. 10 cans; 78 cases, each containing 24 No. 2 cans, at Springfield, Mo.; 247 cases, each containing 24 15-ounce cans, at Memphis, Tenn.; 67 cases at St. Louis, Mo., and 118 cases at Siloam Springs, Ark., each case containing 24 1-pound 2-ounce cans; and 87 cases, each containing 48 10-ounce cans at St. Louis, Mo.

**LABEL, IN PART:** "The Allens Fancy Quality [or "The Allens"] Spinach," "Golden Valley Spinach," or "Spinach Siloam."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 12, 14, and 30, and April 2 and 6, 1951. Default decrees of condemnation. The product was ordered destroyed, with the exception of the spinach located at Memphis, Tenn., which was ordered delivered to a public institution, for use as animal feed.

**17430. Adulteration of canned spinach. U. S. v. 323 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 30677, 30774. Sample Nos. 1807-L, 13377-L.)

**LIBELS FILED:** On or about March 20 and 28, 1951, Northern District of Texas and Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 6 and 20, 1951, by the Arkansas Valley Canning Co., from Van Buren, Ark.

**PRODUCT:** Canned spinach. 323 cases at Lubbock, Tex., and 296 cases at Columbia, S. C. Each case contained 6 6-pound, 2-ounce cans.

**LABEL, IN PART:** "Rebecca Lee Brand Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** May 11 and July 11, 1951. Default decrees of condemnation and destruction.

**17431. Adulteration of canned spinach. U. S. v. 85 Cases \* \* \*. (F. D. C. No. 30504. Sample No. 31753-L.)**

**LIBEL FILED:** January 30, 1951, Western District of Arkansas.

**ALLEGED SHIPMENT:** On or about January 12, 1951, from Chicago, Ill. This was a return shipment.

**PRODUCT:** 85 cases, each containing 24 unlabeled No. 2 cans, of spinach at Van Buren, Ark.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 19, 1951. Default decree of condemnation and destruction.

**17432. Adulteration of canned spinach. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 30458. Sample No. 31867-L.)**

**LIBEL FILED:** On or about February 13, 1951, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 6, 1951, by the Russellville Canning Co., from Russellville, Ark.

**PRODUCT:** 71 cases, each containing 24 1-pound, 2-ounce cans, of spinach at St. Louis, Mo.

**LABEL, IN PART:** "Lasco Brand Spinach."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

**DISPOSITION:** March 6, 1951. Default decree of condemnation and destruction.

## TOMATOES AND TOMATO PRODUCTS

**17433. Adulteration of canned tomatoes. U. S. v. 997 Cases \* \* \*. (F. D. C. No. 29879. Sample No. 82242-K.)**

**LIBEL FILED:** September 15, 1950, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 9, 1950, by Albert W. Sisk & Son, from Cambridge, Md.

**PRODUCT:** 997 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Charleston, W. Va.

**LABEL, IN PART:** "Cardinal Brand Tomatoes \* \* \* Packed By Walter T. Andrews & Son Cambridge, Maryland."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** November 7, 1950. Walter T. Andrews and Lecompte Andrews, partners, trading and doing business as Walter T. Andrews & Son, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency.

On January 16, 1951, after segregation, 903 cases and 13 cans were released, and 20 cases and 11 cans, which were swells, were destroyed. The remaining 73 cases were in an indeterminate condition and were returned to the factory for removal of rust, replacing of discolored labels, and subsequent re-examination. Of these 73 cases, 43 cases ultimately were released as fit.

**17434. Misbranding of canned tomatoes. U. S. v. 1,998 Cases \* \* \*. (F. D. C. No. 30493. Sample No. 65560-K.)**

**LABEL FILED:** January 31, 1951, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 10, 1950, by the Mays Packing Co., from Mays, Ind.

**PRODUCT:** 1,998 cases, each containing 24 unlabeled No. 2 cans, of tomatoes at Chicago, Ill.

**NATURE OF CHARGE:** Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes since it contained excessive peel and its label failed to bear a statement, as specified by the regulations, that it fell below such standard.

**DISPOSITION:** May 4, 1951. The Mays Packing Co., Mays, Ind., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration.

**17435. Adulteration of tomato juice. U. S. v. 996 Cases \* \* \*. (F. D. C. No. 29981. Sample No. 70407-K.)**

**LABEL FILED:** November 3, 1950, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about September 3, 1950, by Libby, McNeill & Libby, from Kokomo, Ind.

**PRODUCT:** 996 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Kansas City, Mo.

**LABEL, IN PART:** "Libby's Tomato Juice."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 8, 1951. Libby, McNeill & Libby, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. Of 828 cases seized, 770 cases were released as good and the remainder were destroyed.

**17436. Misbranding of tomato juice. U. S. v. 413 Cases \* \* \*. (F. D. C. No. 30131. Sample No. 82255-K.)**

**LABEL FILED:** November 13, 1950, Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 26, 1950, from Clarksburg, W. Va., This was a return shipment.

**PRODUCT:** 413 cases, each containing 12 cans, of tomato juice at Hanover, Pa.

**LABEL, IN PART:** "Hanover Brand Tomato Juice Contents 1 Qt. 14 Fl. Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared volume.

**DISPOSITION:** April 9, 1951. The Hanover Canning Co., Hanover, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into sauce for canned beans, under the supervision of the Federal Security Agency.

**17437. Adulteration of tomato puree. U. S. v. 699 Cases \* \* \*. (F. D. C. No. 30407. Sample No. 33000-K.)**

**LIBEL FILED:** February 2, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 26, 1950, by the Hollister Canning Co., from Hollister, Calif.

**PRODUCT:** 699 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "San Benito Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** May 1, 1951. The Hollister Canning Co., Hollister, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the normal cans and destruction of the abnormal cans, under the supervision of the Federal Security Agency. Segregation resulted in the destruction of 9½ cases, and the remainder was released to the claimant as good.

## MEAT AND POULTRY

**17438. Adulteration of poultry. U. S. v. 46 Boxes \* \* \*. (F. D. C. No. 30476. Sample Nos. 89877-K, 89883-K.)**

**LIBEL FILED:** January 10, 1951, District of Nebraska.

**ALLEGED SHIPMENT:** On or about October 1, 7, 8, 13, 19, and 20, 1950, by Sheehan Produce, Le Mars, Iowa.

**PRODUCT:** 46 boxes containing approximately 2,500 pounds of poultry at Omaha, Nebr.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

**DISPOSITION:** January 19, 1951. C. A. Swanson & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the unfit portion be segregated and destroyed, under the supervision of the Food and Drug Administration. 505 of the poultry were found to be satisfactory and were processed and canned, while 17 were found to be diseased and were denatured and destroyed.

**17439. Adulteration of spaghetti sauce with meat (or chicken) and mushrooms.**

U. S. v. 2,862 Cases, etc. (F. D. C. No. 30506. Sample Nos. 17351-L, 17352-L.)

**LIBEL FILED:** January 30, 1951, Southern District of California.

**ALLEGED SHIPMENT:** Between the dates of February 1 and July 30, 1946, from Vineland, N. J.

**PRODUCT:** 2,890 cases, each containing 48 10½-ounce cans, of spaghetti sauce with meat (or chicken) and mushrooms at Buena Park, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of decomposed substances. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 15, 1951. Default decree of condemnation and destruction.

### NUTS\*

**17440. Adulteration of brazil nuts. U. S. v. 90 Bags \* \* \*. (F. D. C. No. 30263. Sample No. 80221-K.)**

**LIBEL FILED:** November 16, 1950, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about September 25, 1950, by William A. Higgins & Co., Inc., from New York, N. Y.

**PRODUCT:** 90 100-pound bags of brazil nuts at Boston, Mass.

**LABEL, IN PART:** (Bag) "Holly New Crop Large Washed Brazil Nuts Product of Brazil."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and otherwise decomposed nuts.

**DISPOSITION:** December 20, 1950. William A. Higgins & Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit nuts, under the supervision of the Federal Security Agency. Reconditioning resulted in the release of 6,900 pounds of nuts as good and the rejection and destruction of 1,790 pounds.

**17441. Adulteration of shelled pecans. U. S. v. 40 Boxes \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30690, 30716. Sample Nos. 31061-L, 31069-L.)**

**LIBELS FILED:** March 8 and 20, 1951; amended libel filed March 9, 1951, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about January 8 and February 5, 1951, by the Natchez Pecan Shelling Co., from Natchez, Miss.

**PRODUCT:** 79 60-pound boxes of shelled pecans at Memphis, Tenn.

**LABEL, IN PART:** "Small Pieces \* \* \* Dixie's Best Selected Shelled Pecans."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae.

\*See also No. 17401.

**DISPOSITION:** March 16 and April 2, 1951. The Natchez Pecan Shelling Co., a partnership, Natchez, Miss., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was reconditioned by the removal of all larvae by hand picking.

## OLEOMARGARINE

**17442. Adulteration and misbranding of oleomargarine. U. S. v. 61 Cases \* \* \*. (F. D. C. No. 30832. Sample Nos. 24097-L, 24098-L.)**

**LIBEL FILED:** February 16, 1951, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 15 and 23, 1951, by E. F. Drew & Co., Inc., from Boonton, N. J.

**PRODUCT:** 61 cases, each containing 24 1-pound packages, of oleomargarine at Brooklyn, N. Y.

**LABEL, IN PART:** (Package) "One Pound Net Brookdale Brand Vegetable Oleomargarine."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard for oleomargarine since it contained less than 80 percent fat.

**DISPOSITION:** April 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**17443. Adulteration of chili peppers. U. S. v. 102 Bags \* \* \*. (F. D. C. No. 30487. Sample No. 32911-K.)**

**LIBEL FILED:** January 25, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 3, 1950, from New York, N. Y.

**PRODUCT:** 102 50-pound bags of chili peppers at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 28, 1951. B. C. Ireland, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. Reconditioning resulted in the destruction of 639 pounds of the product.

**17444. Adulteration of chili pods. U. S. v. 8 Cartons \* \* \*. (F. D. C. No. 30530. Sample No. 13553-L.)**

**LIBEL FILED:** February 2, 1951, Western District of Texas.

**ALLEGED SHIPMENT:** On or about January 2, 1951, by the C. L. Prat's Chili Co., from Douglas, Ariz.

**PRODUCT:** 8 50-pound cartons of chili pods at El Paso, Tex.

**LABEL, IN PART:** "Elfrida Chili Pods."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs, and of a decomposed substance by reason of the presence of moldy peppers; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 28, 1951. Default decree of condemnation and destruction.

**17445. Adulteration of chili pods. U. S. v. 250 Pounds \* \* \*. (F. D. C. No. 30679. Sample No. 12865-L.)**

**LIBEL FILED:** March 6, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about January 23, 1951, by Esquipula Y. Martinez, from Chimayo, N. Mex.

**PRODUCT:** 250 pounds of chili pods in 3 unlabeled bags at Trinidad, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pods.

**DISPOSITION:** April 12, 1951. Default decree of condemnation and destruction.

**17446. Adulteration of cinnamon quills. U. S. v. 36 Bags \* \* \*. (F. D. C. No. 30463. Sample No. 35739-K.)**

**LIBEL FILED:** January 2, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 13, 1946, from Colombo, Ceylon.

**PRODUCT:** 36 100-pound bags of cinnamon quills at San Francisco, Calif., in possession of the Dodd Warehouse Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 2, 1951. The McClintock-Stern Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be reprocessed and brought into compliance with the law, under the supervision of the Food and Drug Administration. Reconditioning operations resulted in the salvage of 3,500 pounds of the product, and the destruction of 100 pounds.

**17447. Adulteration and misbranding of black pepper. U. S. v. 1 50-Pound Drum, etc. (and 4 other seizure actions) \* \* \*. (F. D. C. Nos. 30686, 30706, 30732, 30742, 30899. Sample Nos. 1814-L, 6878-L, 25242-L, 31460-L, 31461-L, 32276-L.)**

**LIBELS FILED:** On or about March 12, 14, and 23, and April 3 and 5, 1951, Eastern Districts of Missouri and Illinois, Western District of Pennsylvania, Northern District of Georgia, and District of New Jersey.

**ALLEGED SHIPMENT:** Prior to October 21, 1949, and on or about January 30, February 13 and 26, and March 23, 1951, by the Meer Corp., from North Bergen, N. J., and New York, N. Y.

**PRODUCT:** Black Pepper. 2 50-pound drums and 3 200-pound drums at St. Louis, Mo.; 9 6-pound canisters at New Castle, Pa.; 1 100-pound drum and 1 150-pound drum at National Stock Yards, Ill.; 98 1-pound canisters at Atlanta, Ga.; and 2 250-pound drums at Vineland, N. J.

**LABEL, IN PART:** "Ground Black Pepper," "Cracked Black Pepper," "Pure Ground Black Pepper," "Black Pepper," "Pure Black Pepper," or "Black Pepper Ground."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seeds had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the above-quoted label statements were false and misleading as applied to a mixture of black pepper and paradise seeds.

**DISPOSITION:** The black pepper located at St. Louis, Mo., National Stock Yards, Ill., and Atlanta, Ga., was ordered destroyed under default decrees of condemnation entered on April 2, 17, and 25, 1951, while that located at New Castle, Pa., and Vineland, N. J., was ordered delivered to charitable institutions under default decrees of condemnation entered May 25 and July 3, 1951.

**17448. Adulteration of red pepper. U. S. v. 198 Sacks \* \* \*. (F. D. C. No. 30465. Sample No. 32962-K.)**

**LIBEL FILED:** January 3, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 22, 1950, from Valparaiso, Chile.

**PRODUCT:** 198 sacks, each containing approximately 90 pounds, of red pepper at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** February 28, 1951. B. C. Ireland, Inc., San Francisco, Calif., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. 17,510 pounds were salvaged and released to the claimant, and a remaining 310 pounds were destroyed.

**17449. Adulteration of pimentos in brine. U. S. v. 1 Barrel \* \* \*. (F. D. C. No. 30721. Sample No. 32282-L.)**

**LIBEL FILED:** March 22, 1951, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about February 27, 1951, by Basic Food Materials, Inc., from Federalsburg, Md.

**PRODUCT:** 1 barrel containing 400 pounds of pimentos in brine at St. Louis, Mo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms, and of decomposed substance by reason of the presence of rotten pimentos.

**DISPOSITION:** April 17, 1951. Default decree of condemnation and destruction.

**17450. Adulteration of turmeric. U. S. v. 49 Bags \* \* \*. (F. D. C. No. 30528. Sample No. 27794-L.)**

**LIBEL FILED:** February 6, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 7, 1950, from New York, N. Y.

PRODUCT: 49 200-pound bags of turmeric at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of being insect-infested. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 2, 1951. The McClintock-Stern Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was cleaned in order to remove all filth, and 8,675 pounds were released as good. Rejects and waste material in the amount of 1,125 pounds were destroyed.

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<sup>1</sup> (17410) Injunction issued.

<sup>2</sup> (17411) Prosecution contested.

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<sup>1</sup> (17410) Injunction issued.<sup>2</sup> (17411) Prosecution contested.

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U. S. DEPARTMENT OF AGRICULTURE

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17451-17500

#### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 17, 1951.*

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## CANDY AND SIRUP

## CANDY

**17451. Adulteration of candy. U. S. v. 11 Cartons, etc. (and 2 other seizure actions).** (F. D. C. Nos. 30655, 30656, 30683, 30684, 30704. Sample Nos. 29128-L, 29958-L, 29959-L, 30137-L, 30138-L.)

**LIBELS FILED:** March 1, 9, and 16, 1951, Western District of Washington and District of Oregon.

**ALLEGED SHIPMENT:** On or about January 13, 15, 29, and 31, and February 9, 1951, by the Duke's Candy Co., from Salt Lake City, Utah.

**PRODUCT:** 45 cartons and 40 boxes at Seattle, Wash., and 71 boxes at Portland, Oreg., each carton and box containing 24 2-ounce candy bars.

**LABEL, IN PART:** "Duke's 10 Cent Tato Bar."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs, insects, and insect fragments; and, Section 402 (a) (4) (45 cartons at Seattle, Wash.), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 5 and 22, 1951. Default decrees of condemnation. The court ordered that the product be delivered to public institutions, for use as animal feed.

**17452. Adulteration of candy. U. S. v. 31 Cases, etc. (F. D. C. No. 30773. Sample Nos. 1002-L to 1004-L, incl.)**

**LIBEL FILED:** April 5, 1951, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about January 26 and February 1, 1951, by the Lee Chocolate Co., from Atlanta, Ga.

**PRODUCT:** 31 cases, each containing 100 1½-ounce packages, of chocolate-covered cherries; 25 cases, each containing 100 1-ounce packages, of pecan rolls; and 12 cases, each containing 60 2-ounce packages, of toasted coconut bars at Jacksonville, Fla.

**LABEL, IN PART:** (Package) "Lee of Atlanta, Ga. Chocolate Cherries [or "Pecan Roll"]" and "Toasted Coconut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of (chocolate-covered cherries and pecan rolls) filthy substances by reason of the presence of rodent excreta and rodent hair fragments and (toasted coconut bars) rodent hair fragments; and, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** May 4, 1951. Default decree of condemnation and destruction.

## SIRUP\*

**17453. Adulteration and misbranding of sorghum sirup. U. S. v. 246 1-Gallon Cans \* \* \*. (F. D. C. No. 30481. Sample No. 76843-K.)**

**LIBEL FILED:** January 18, 1951, Eastern District of Arkansas.

**ALLEGED SHIPMENT:** On or about December 11, 1950, by Jimmie Jones, from Conehatta, Miss.

\*See also No. 17499.

PRODUCT: 246 1-gallon cans of sorghum sirup at West Helena, Ark.

LABEL, IN PART: "Honey Drip Sorghum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting of a mixture of sorghum, glucose, and sugar had been substituted in whole or in part for sorghum.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; Sections 403 (e) (1) and (2), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (2), the product was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: August 2, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

**17454. Adulteration of sorghum sirup. U. S. v. 62 Cases, etc. (F. D. C. No. 30695. Sample No. 32063-L.)**

LIBLE FILED: March 13, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about February 7, 1951, by W. O. Kelton, from Monroe, La.

PRODUCT: 62 cases, each containing 12 unlabeled 1/2-gallon cans, and 18 cases, each containing 6 unlabeled gallon cans, of sirup at Benton, Ark. The product was represented to be sorghum sirup.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), sorghum, glucose, and sugar had been substituted for sorghum, which the product was represented to be.

Misbranding, Section 403 (b), the product was offered for sale under the name of another food; and, Section 403 (e), the product was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents. Further misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and it failed to bear a label containing the common or usual name of each such ingredient.

DISPOSITION: April 27, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**17455. Adulteration of bakery products. U. S. v. Robert Rothenberg (Roll Biscuit Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 29131. Sample Nos. 11783-K to 11785-K, incl., 57264-K, 57265-K.)**

INFORMATION FILED: February 21, 1951, Southern District of New York, against Robert Rothenberg, trading as the Roll Biscuit Co., New York, N. Y.

ALLEGED SHIPMENT: On or about September 14 and 15, 1949, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Chocolate Cream Filled Pastry Sticks," "Biscuit Fans," and "Aunt Nancy's Fruit Cake Manufactured by Roll Biscuit Co., New York, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of rodent hair fragments, insect fragments, larvae, cast skins, and beetles; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** April 18, 1951. A plea of guilty having been entered, the defendant was fined \$500.

**17456. Adulteration of salted crackers and graham crackers. U. S. v. Richmond Baking Co., a corporation. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 30116. Sample Nos. 92473-K, 92480-K.)**

**INFORMATION FILED:** April 6, 1951, Southern District of Indiana, against the Richmond Baking Co., a corporation, Richmond, Ind.

**ALLEGED SHIPMENT:** On or about October 31 and November 6, 1950, from the State of Indiana into the State of Ohio.

**LABEL, IN PART:** "Butternut Saltine Wafers [or "Butternut Graham Crackers"] Baked by Richmond Baking Company Richmond, Indiana Net Weight One Pound."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** June 29, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100 against the corporation.

**17457. Adulteration and misbranding of muffins. U. S. v. Eldon F. Paul (Humpty Dumpty Bakery Products). Plea of guilty. Fine, \$100. (F. D. C. No. 30598. Sample No. 71046-K.)**

**INFORMATION FILED:** June 18, 1951, Southern District of California, against Eldon F. Paul, trading as the Humpty Dumpty Bakery Products, Van Nuys, Calif.

**ALLEGED SHIPMENT:** On or about July 26, 1950, from the State of California into the State of Arizona.

**LABEL, IN PART:** "Humpty Dumpty English Muffins Delicious Net Wt. Over 7 Oz. \* \* \* Vitamin enriched to contain 7.50 mg. Niacin, .9 mg. Thiamine, .8 mg. Riboflavin and 6.25 mg. Iron per package."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, riboflavin, had been in part omitted.

Misbranding, Section 402 (a), the label statement "Vitamin enriched to contain \* \* \* .8 mg. Riboflavin \* \* \* per package" was false and misleading since the product contained less than 8 milligrams of riboflavin per package. Further misbranding, Section 403 (j), the product purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect to thiamine (vitamin B<sub>1</sub>) and riboflavin and its mineral property in respect to iron; and its label did not bear, as specified by the regulations, a statement of the proportion of the minimum daily requirements for thiamine (vitamin B<sub>1</sub>), riboflavin, and iron, which would be supplied by the product when consumed in a specified quantity during a period of 1 day.

DISPOSITION: August 13, 1951. A plea of guilty having been entered, the court imposed a fine of \$100.

17458. **Adulteration of bread and sweet rolls. U. S. v. Northwest Bakery Co., Inc.** Plea of guilty. Fine, \$400. (F. D. C. No. 29644. Sample Nos. 85539-K, 85541-K.)

INFORMATION FILED: November 29, 1950, District of Minnesota, against Northwest Bakery Co., Inc., Moorhead, Minn.

ALLEGED SHIPMENT: On or about August 2, 1950, from the State of Minnesota into the State of North Dakota.

LABEL, IN PART: "North-West's Cinnamon Rolls" and "John's Enriched Golden Krust Bread."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments and rat or mouse hairs; and, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 15, 1951. A plea of guilty having been entered, the defendant was fined \$400.

17459. **Adulteration of Rytak knackebrod. U. S. v. 11 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 31060, 31061. Sample Nos. 29109-L, 29110-L.)

LIBELS FILED: April 20, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about March 14 and 15, 1951, by Jorgensen's Danish Bakeries, from Seattle, Wash.

PRODUCT: 14 cases, each containing 15 22-ounce packages, of Rytak knackebrod at Portland, Oreg.

LABEL, IN PART: "Jorgensen's Rytak Knackebrod."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect parts and rodent hair fragments; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 17, 1951. Default decrees of condemnation and destruction.

## FLOUR

17460. **Adulteration and misbranding of enriched flour. U. S. v. Portales Milling Co.** Plea of nolo contendere. Fine, \$300. (F. D. C. No. 30574. Sample Nos. 88136-K, 88137-K.)

INFORMATION FILED: April 10, 1951, District of New Mexico, against the Portales Milling Co., a partnership, Portales, N. Mex.

ALLEGED SHIPMENT: On or about August 14, 1950, from the State of New Mexico into the State of Texas.

LABEL, IN PART: "5 Lbs. [or "10 Lbs."] Portales' Best \* \* \* Enriched Flour Bleached 8 ounces of Enriched Flour contains not less than the following proportions of the minimum daily requirements of Vitamin B<sub>1</sub>, 100%; Riboflavin, 30%; Iron, 65%; and 8 mgs. of Niacin."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents, thiamine (vitamin B<sub>1</sub>), riboflavin, niacin, and iron, had been in part omitted.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for enriched flour since each pound contained less than 2.0 milligrams of thiamine (vitamin B<sub>1</sub>), less than 1.2 milligrams of riboflavin, less than 16.0 milligrams of niacin, and less than 13.0 milligrams of iron, the minimum permitted by the standard; and, Section 403 (a), the label statements "8 ounces of Enriched Flour contains not less than the following proportions of the minimum daily requirements of Vitamin B<sub>1</sub>, 100%; Riboflavin, 30%; Iron, 65%; and 8 mgs. of Niacin" were false and misleading since 8 ounces of said article contained less than the above-stated proportions of the minimum daily requirements of the body for vitamin B<sub>1</sub>, riboflavin, and iron, and less than 8 milligrams of niacin.

**DISPOSITION:** May 9, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

#### MISCELLANEOUS CEREALS

**17461. Adulteration of unpopped popcorn. U. S. v. 19 Bags \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 30802, 30821. Sample Nos. 997-L, 998-L, 11561-L.)

**LIBELS FILED:** February 23 and 26, 1951, Southern District of Florida and Northern District of West Virginia.

**ALLEGED SHIPMENT:** On or about December 15, 1950, and January 2, 1951, by the Wyandot Popcorn Co., from Marion, Ohio.

**PRODUCT:** Unpopped popcorn. 19 50-pound bags at Silver Springs, Fla., and 6 50-pound bags at Moundsville, W. Va.

**LABEL, IN PART:** (Bag) "Rich in Flavor X-30 (Extra High Expansion) South America Yellow Hybrid Popcorn."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or part of a filthy substance by reason of the presence of insects; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 24 and June 27, 1951. Default decrees of condemnation. The popcorn which was located at Silver Springs, Fla., was ordered destroyed by the court, and that which was located at Moundsville, W. Va., was ordered delivered to a public institution, to be used as animal feed.

**17462. Adulteration of rice. U. S. v. 16 Bags, etc. (F. D. C. No. 30786. Sample No. 1804-L.)**

**LIBEL FILED:** March 5, 1951, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about December 29, 1950, from Stuttgart, Ark.

**PRODUCT:** 16 100-pound bags and 75 25-pound bags of rice at Orangeburg, S. C., in possession of the Mutual Wholesale Co.

**LABEL, IN PART:** (Bag) "231 Rice Milled & Packed by The Arkansas Rice Growers Co-operative Assn. Stuttgart, Ark."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 13, 1951. Default decree of condemnation and destruction.

**17463. Adulteration of rice. U. S. v. 8 Bags \* \* \*. (F. D. C. No. 30815. Sample No. 12863-L.)**

**LIBEL FILED:** February 27, 1951, District of New Mexico.

**ALLEGED SHIPMENT:** On or about November 28, 1950, from Houston, Tex.

**PRODUCT:** 8 100-pound bags of rice at Albuquerque, N. Mex., in possession of the Heights Wholesale Grocery Co.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 29, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for use as animal feed.

## FISH AND SHELLFISH

**17464. Adulteration and misbranding of codfish. U. S. v. 27 Cartons \* \* \*. (F. D. C. No. 30775. Sample No. 25216-L.)**

**LIBEL FILED:** March 12, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 17, 1950, and January 29, 1951, by J. W. Beardsley's Sons, from Newark, N. J.

**PRODUCT:** 27 5-pound cartons of fibered codfish at Philadelphia, Pa.

**LABEL, IN PART:** (Carton) "Matchless Fibered Codfish in Bulk."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing pieces of bone had been substituted in whole or in part for fibered codfish, which is expected to be free from bones.

Misbranding, Section 403 (a), the label statement "Fibered Codfish" was false and misleading as applied to a product in which a substantial amount of the bones remained.

**DISPOSITION:** May 14, 1951. Default decree of condemnation and destruction.

**17465. Adulteration of canned mackerel and sardines. U. S. v. 299 Cases, etc. (F. D. C. No. 30840. Sample Nos. 17951-L, 17952-L.)**

**LIBEL FILED:** February 19, 1951, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about January 5, 1951, by Cal-Cap Fisheries, Inc., from Wilmington, Calif.

**PRODUCT:** 299 cases, each containing 48 15-ounce cans, of jack mackerel, and 299 cases, each containing 48 15-ounce cans, of sardines at Dothan, Ala.

**LABEL, IN PART:** "Cal-Cap Brand California Jack Mackerel [or "Sardines"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed fish.

**DISPOSITION:** April 5, 1951. Cal-Cap Fisheries, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation of the fit portion from the unfit, under the supervision of the Federal Security Agency. Segregation resulted in the release of 281 cases and 31 cans of mackerel and 284 cases and 21 cans of sardines as fit. The unfit portions of both products were destroyed.

**17466. Misbranding of canned tuna. U. S. v. 16 Cases \* \* \*. (F. D. C. No. 30826. Sample No. 3856-L.)**

**LIBEL FILED:** On or about February 13, 1951, District of Maryland.

**ALLEGED SHIPMENT:** On or about January 10, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

**PRODUCT:** 16 cases, each containing 24 cans, of tuna at Baltimore, Md.

**LABEL, IN PART:** (Can) "Cape King Solid Pack Light Meat Tuna Contents 13½ Oz. Avd."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight.

**DISPOSITION:** June 9, 1951. Default decree of condemnation. The court ordered that the product be released to charitable institutions.

**17467. Adulteration and misbranding of canned herring roe and canned herring roe blended with cod and yellowtail roe. U. S. v. 15 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30878, 30879. Sample Nos. 3335-L, 3336-L.)**

**LIBELS FILED:** On or about March 28, 1951, District of Maryland.

**ALLEGED SHIPMENT:** On or about February 5, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

**PRODUCT:** 15 cases, each containing 24 15-ounce cans, of a product represented to be herring roe at Dundalk, Md.; and 9 cases, each containing 48 cans, a portion of which was represented to be herring roe and another portion represented to be herring roe blended with cod and yellowtail roe at Baltimore, Md.

**LABEL, IN PART:** (Can) "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, herring roe, had been in part omitted; and, Section 402 (b) (2), roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label statements "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe" were false and misleading as applied to articles which contained no herring roe.

**DISPOSITION:** June 9, 1951. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions, for human consumption and not for sale.

**17468. Adulteration of oysters. U. S. v. 84 Pints, etc. (F. D. C. No. 30836. Sample Nos. 3158-L, 3159-L.)**

**LIBEL FILED:** February 16, 1951, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about February 12, 1951, by Dryden Bros., from Crisfield, Md.

**PRODUCT:** 84 pints of oysters standards and 144 pints of oysters selects at Asheville, N. C.

**LABEL, IN PART:** "1 Pint D-B Oysters \* \* \* MD-200 \* \* \* Oysters Standards [or "Oysters Selects"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), water had been substituted for oysters; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality.

**DISPOSITION:** March 12, 1951. No claimant having appeared and the product having spoiled, judgment of condemnation and destruction was entered.

**17469. Adulteration of frozen shrimp. U. S. v. 227 Cases \* \* \*. (F. D. C. No. 30480. Sample No. 14767-K.)**

**LIBEL FILED:** January 12, 1951, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about September 29, 1950, by Texas Fisherman's Coop. Assn., Inc., from Brownsville, Tex.

**PRODUCT:** 227 cases, each containing 10 5-pound cartons, of frozen shrimp at Detroit, Mich.

**LABEL, IN PART:** "Gulf King Brand Frozen Fresh Headless Shrimp."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp.

**DISPOSITION:** March 21, 1951. Default decree of condemnation and destruction. The product was delivered to a Federal prison, for use as fertilizer.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**17470. Adulteration of canned cherries. U. S. v. 146 Cartons \* \* \*. (F. D. C. No. 30791. Sample Nos. 24597-L, 28879-L.)**

**LIBEL FILED:** March 1, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 7, 1951, by Seufert Bros. Co., from The Dalles, Oreg.

**PRODUCT:** 146 cartons, each containing 6 6-pound, 11-ounce cans, of cherries at Allentown, Pa.

**LABEL, IN PART:** (Can) "Celilo Brand Light Sweet Royal Anne Pitted Cherries In Light Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of maggots.

**DISPOSITION:** May 22, 1951. Seufert Bros. Co., The Dalles, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released so that the good codes could be separated from the unfit codes and the latter destroyed under the supervision of the Food and Drug Administration. Segregation resulted in the destruction of 54½ cases.

**17471. Misbranding of canned cherries. U. S. v. 24 Cases \* \* \*. (F. D. C. No. 30783. Sample No. 28875-L.)**

**LIBEL FILED:** February 28, 1951, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about January 8, 1951, by Star Foods, Inc., from Salem, Oreg.

**PRODUCT:** 24 cases, each containing 48 10½-ounce cans, of cherries at Brooklyn, N. Y.

**LABEL, IN PART:** (Can) "Red Tart Pitted Cherries In Light Syrup \* \* \* Syrup Pack \* \* \* O. F. P. Brand \* \* \* Packed By Oregon Fruit Products Co. Salem, Oregon."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Syrup Pack" was false and misleading as applied to a product which was packed in slightly sweetened water.

Further misbranding, Section 403 (g) (2), the product purported to be and was represented as canned cherries; and its label failed to bear, as specified by the regulations, the name of the optional packing medium present since the label represented the packing medium to be light sirup, whereas the product was packed in a packing medium designated as "Slightly Sweetened Water" in such definition and standard.

**DISPOSITION:** May 2, 1951. Default decree of condemnation and destruction. The decree was amended May 10, 1951, directing that the product be delivered to charitable institutions.

**17472. Misbranding of canned peaches. U. S. v. 146 Cases \* \* \*. (F. D. C. No. 30816. Sample No. 28253-L.)**

**LIBEL FILED:** March 5, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 22, 1951, by the George Noroian Co., from Dinuba, Calif.

**PRODUCT:** 146 cases, each containing 6 6-pound, 12-ounce cans, of peaches at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Parke's Brand \* \* \* Salad Cut Elberta Peaches In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product failed to bear the name of the optional peach ingredient and the name of the optional packing medium present as required by the definition and standard of identity for canned peaches. The label bore the statement "Salad Cut Elberta Peaches In Heavy Syrup," whereas the optional peach ingredient of the product was mixed pieces of irregular sizes and shapes and the optional packing medium used was light sirup.

**DISPOSITION:** March 21, 1951. The L. H. Parke Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for re-labeling under the supervision of the Federal Security Agency.

**17473. Misbranding of canned peaches. U. S. v. 90 Cases \* \* \*. (F. D. C. No. 30454. Sample No. 67844-K.)**

**LIBEL FILED:** December 26, 1950, District of Utah.

**ALLEGED SHIPMENT:** On or about September 1, 1950, by Soule-Gibbs & Co., from San Francisco, Calif.

**PRODUCT:** 90 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Salt Lake City, Utah.

**LABEL, IN PART:** "Fascination Elberta Yellow Freestone Peaches In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (2), the product purported to be and was represented as canned peaches, a food for which a definition and standard of identity has been prescribed by regulations, and its label failed to bear the name of the optional packing medium present since the label bore the statement "In Heavy Syrup," whereas the product was packed in sirup designated as "Light Sirup" in the standard.

**DISPOSITION:** January 26, 1951. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be relabeled under the supervision of the Food and Drug Administration.

#### **DRIED FRUIT**

**17474. Adulteration of dried peaches. U. S. v. 300 Cases \* \* \*. (F. D. C. No. 29737. Sample No. 35554-K.)**

**LIBEL FILED:** September 18, 1950, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 8, 1950, by the Not-A-Seed Sales Co., from San Francisco, Calif.

**PRODUCT:** 300 30-pound cases of dried peaches at Boston, Mass.

**LABEL, IN PART:** (Case) "Aserco Brand California Dried Peaches Packed By American Seedless Raisin Co. San Francisco—Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and dirty peaches, and of a decomposed substance by reason of the presence of decomposed peaches.

**DISPOSITION:** July 24, 1951. Default decree of condemnation and destruction.

#### **VEGETABLES AND VEGETABLE PRODUCTS**

**17475. Adulteration of artichokes in olive oil. U. S. v. 200 Cases \* \* \*. (F. D. C. No. 30761. Sample No. 24194-L.)**

**LIBEL FILED:** March 7, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 28, 1950, the product was shipped from a foreign country.

**PRODUCT:** 200 cases, each containing 24 5½-ounce jars, of artichokes in olive oil at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** March 23, 1951. Default decree of condemnation and destruction.

**17476. Adulteration of dried navy beans and dried lima beans. U. S. v. 81 Bags \* \* \* (and 1 other seizure action). (F. D. C. No. 29537. Sample Nos. 54985-K to 54987-K, incl.)**

**LIBELS FILED:** August 22, 1950, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 29 and November 28, 1949, and on various dates prior to August 15, 1950, from Fenton, Mich., and Oxnard, Calif.

**PRODUCT:** 81 100-pound bags of dried lima beans at New Orleans, La., and 341 100-pound bags of dried navy beans at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the lima beans consisted in whole or in part of a filthy substance by reason of the presence of insect-infested beans, and the navy beans consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy beans. The products were adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** On September 13, 1950, the World Wide Food Products Corp., New Orleans, La., claimant for the navy beans, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the navy beans be released under bond for segregation and recleaning wherever possible and conversion of the remainder into stock feed, under the supervision of the Food and Drug Administration. The salvaging operations having been unsatisfactory, the product was destroyed.

On October 4, 1950, a default decree of condemnation and destruction was entered against the lima beans.

**17477. Misbranding of canned mushrooms. U. S. v. 10 Cases \* \* \*. (F. D. C. No. 30758. Sample No. 1816-L.)**

**LIBEL FILED:** On or about April 16, 1951, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about January 10, 1951, by the Delaware Mushroom Cooperative Assn., from Wilmington, Del.

**PRODUCT:** 10 cases, each containing 24 cans, of mushrooms at Atlanta, Ga.

**LABEL, IN PART:** (Can) "Delaware Kitchen Brand Fancy Buttons Mushrooms Drained Wt. 16 Oz. Net Avoir."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Fancy" was false and misleading as applied to an article which was not fancy because of color, size, and defects; and, Section 403 (e) (2), the product was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared weight.

**DISPOSITION:** May 8, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be delivered to a public institution for consumption and not for sale.

**17478. Adulteration of canned sauerkraut. U. S. v. 349 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 30985, 31021. Sample Nos. 6902-L, 6903-L.)**

**LIBELS FILED:** June 1 and 6, 1951, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about February 3 and 19, 1951, by Albion Produce Co., Inc., from Albion, N. Y.

**PRODUCT:** 761 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Pittsburgh, Pa.

LABEL, IN PART: "Cabbage Patch Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 29, 1951. Default decrees of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

**17479. Adulteration of canned spinach. U. S. v. 133 Cases, etc. (F. D. C. No. 30762. Sample Nos. 5267-L to 5269-L, incl.)**

LIBEL FILED: March 9, 1951, District of Maine.

ALLEGED SHIPMENT: On or about January 12, 1951, by the Russellville Canning Co., from Russellville, Ark.

PRODUCT: 227 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Bangor, Maine.

LABEL, IN PART: (Can) "St. George Spinach" or "Nation Wide Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: March 26, 1951. Default decree of condemnation and destruction.

**17480. Adulteration of canned spinach. U. S. v. 148 Cases \* \* \*. (F. D. C. No. 30661. Sample No. 15557-L.)**

LIBEL FILED: February 19, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about November 22, 1950, by the Allen Canning Co., from Siloam Springs, Ark.

PRODUCT: 148 cases, each containing 6 No. 10 cans, of spinach at Osawatomie, Kans.

LABEL, IN PART: "The Allens Fancy Quality Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: May 11, 1951. Default decree of condemnation and destruction.

**17481. Adulteration of canned spinach. U. S. v. 62 Cases \* \* \*. (F. D. C. No. 30837. Sample No. 9237-K.)**

LIBEL FILED: March 5, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 31, 1950, by the Alma Canning Co., from Alma, Ark.

PRODUCT: 62 cases, each containing 24 1-pound, 11-ounce cans, of spinach at Chicago, Ill.

LABEL, IN PART: (Can) "Silver Cup Brand Garden Spinach."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of worms.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

## TOMATOES AND TOMATO PRODUCTS

**17482. Adulteration and misbranding of canned tomatoes. U. S. v. 814 Cases \* \* \*. (F. D. C. No. 29805. Sample No. 81890-K.)**

LIBEL FILED: October 16, 1950, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 4, 1950, by C. C. Cole, from Greenville, S. C.

PRODUCT: 814 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Hague, Va.

LABEL, IN PART: (Can) "Cole Brand Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product failed to comply with the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the standard; and, Section 403 (h) (1), the product failed to comply with the standard of quality since it contained excessive peel and its label failed to bear a statement that it fell below such standard.

DISPOSITION: May 11, 1951. Default decree of condemnation. The court ordered that the product be delivered to a public institution.

**17483. Adulteration and misbranding of canned tomatoes. U. S. v. 372 Cases**  
\* \* \*. (F. D. C. No. 28397. Sample No. 42946-K.)

LIBEL FILED: December 12, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 1, 8, and 10, 1949, by Kennard Food Products, Inc., from Kennard, Ind.

PRODUCT: 372 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Kitchen Pack Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to increase its bulk or weight and reduce its quality or strength.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as canned tomatoes, and it failed to comply with the definition and standard of identity since it contained added water, which is not a permitted ingredient of canned tomatoes.

DISPOSITION: June 27, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**17484. Adulteration of canned tomatoes. U. S. v. 199 Cases** \* \* \*. (F. D. C. No. 30502. Sample No. 9312-L.)

LIBEL FILED: February 14, 1951, Northern District of Illinois.

ALLEGED SHIPMENT: On or about December 9, 1950, by the H. J. McGrath Co., from Baltimore, Md.

PRODUCT: 199 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Chicago, Ill.

LABEL, IN PART: "Realm Vine Ripened Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

**17485. Adulteration of tomato catsup. U. S. v. 376 Cases \* \* \*. (F. D. C. No. 30823. Sample No. 25101-L.)**

**LIBEL FILED:** February 26, 1951, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about January 27, 1951, by the Gypsum Canning Co., from Port Clinton, Ohio.

**PRODUCT:** 376 cases, each containing 24 14-ounce cans, of tomato catsup at Philadelphia, Pa.

**LABEL, IN PART:** (Can) "Montco Tomato Catsup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 16, 1951. The Gypsum Canning Co., claimant, without admitting the allegations of the libel, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**17486. Adulteration of tomato puree. U. S. v. 33 Cases \* \* \*. (F. D. C. No. 30777. Sample No. 5125-L.)**

**LIBEL FILED:** March 27, 1951, District of Rhode Island.

**ALLEGED SHIPMENT:** On or about January 23, 1951, by the Liberty Import Corp., from New York, N. Y.

**PRODUCT:** 33 cases, each containing 24 1-pound, 12-ounce cans, of tomato puree at Providence, R. I.

**LABEL, IN PART:** (Can) "La Signora Brand Tomato Puree \* \* \* Packed For Saggese & Siccardi, Inc. \* \* \* New York City."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

**DISPOSITION:** April 25, 1951. Default decree of condemnation and destruction.

## POULTRY

**17487. Adulteration of dressed poultry. U. S. v. Diamond State Poultry Co., Inc. Plea of guilty. Fine, \$2,250. (F. D. C. No. 30081. Sample Nos. 73127-K, 73136-K, 73158-K.)**

**INFORMATION FILED:** May 8, 1951, District of Delaware, against Diamond State Poultry Co., Inc., Lewes, Del.

**ALLEGED SHIPMENT:** On or about July 9, September 20, and November 18, 1950, from the State of Delaware into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds contaminated with dirty, extraneous, and fecal matter, and it consisted in part of a substance otherwise unfit for food because of the presence therein of extensively bruised poultry; Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), (2 lots) the article was in part the product of a diseased animal and was in part the product of an animal which had died otherwise than by slaughter.

**DISPOSITION:** May 21, 1951. A plea of guilty having been entered, the defendant was fined \$2,250.

17488. **Adulteration of dressed poultry.** U. S. v. Diamond State Poultry Co., Inc. Plea of guilty. Fine, \$750. (F. D. C. No. 29613. Sample No. 3376-K.)

**INFORMATION FILED:** May 8, 1951, District of Delaware, against Diamond State Poultry Co., Inc., Lewes, Del.

**ALLEGED SHIPMENT:** On or about March 27, 1950, from the State of Delaware into the District of Columbia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of birds which were contaminated with feathers, filthy defeathering wax, and extraneous material, the residue of filthy scald water; Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (5), the article was in part the product of a diseased animal, i. e., diseased poultry.

**DISPOSITION:** May 21, 1951. A plea of guilty having been entered, the defendant was fined \$750.

17489. **Adulteration of dressed poultry.** U. S. v. Jeck Packing Co. and Roger S. Jeck. Pleas of nolo contendere. Each defendant fined \$100. (F. D. C. No. 28774. Sample Nos. 55499-K, 70106-K.)

**INFORMATION FILED:** June 9, 1950, District of Minnesota, against the Jeck Packing Co., a partnership, Fairmont, Minn., and Roger S. Jeck, partner and plant manager.

**ALLEGED SHIPMENT:** Within the period from on or about October 4 to on or about October 17, 1949, from the State of Minnesota into the States of Nebraska and Iowa.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of contamination by mouse excreta pellets and fecal smears; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 24, 1951. Pleas of nolo contendere having been entered, each defendant was fined \$100.

17490. **Adulteration of dressed poultry.** U. S. v. 1 Crate \* \* \*. (F. D. C. No. 30757. Sample No. 24306-L.)

**LIBEL FILED:** March 20, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 27, 1951, by Denton Poultry Co., Inc., from Denton, N. C.

**PRODUCT:** 1 79-pound crate of dressed poultry at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** April 9, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

17491. **Adulteration of dill seed.** U. S. v. 10 Bags \* \* \*. (F. D. C. No. 30710. Sample No. 21625-L.)

**LIBEL FILED:** On or about March 21, 1951, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** The product had been imported from India on an unknown date.

**PRODUCT:** 10 bags of dill seed at New Orleans, La.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. It was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** May 18, 1951. Default decree of condemnation and destruction.

**17492. Adulteration and misbranding of black pepper. U. S. v. 832 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 30715, 30741, 30748, 30750. Sample Nos. 23984-L, 24002-L, 24142-L, 24145-L.)**

**LIBELS FILED:** March 14, 16, and 29, 1951, Northern District of New York, Southern District of New York, and District of New Jersey.

**ALLEGED SHIPMENT:** The product involved in the cases filed in the District of New Jersey consisted of black pepper and paradise seed which had been shipped separately on or about December 27, 1950, and February 7 and 13, 1951, by the Meer Corp., from New York, N. Y., to its plant at North Bergen, N. J., where the product was ground together.

The product involved in the case in the Southern District of New York was in possession of the Meer Corp. It consisted of a mixture of black pepper and paradise seed, and investigation disclosed that the pepper had been shipped from Cochin, India, on or about December 31, 1950.

The product involved in the case in the Northern District of New York consisted also of a mixture of black pepper and paradise seed. The black pepper in the mixture had been imported from India by the Meer Corp. and had been ground and packaged by the above corporation, and it was shipped to Schenectady, N. Y., on or about February 9, 1951.

**PRODUCT:** 832 cases, each containing 24 1-pound cans, of a product labeled "Pure Black Pepper," at Schenectady, N. Y.; 532 cases, each containing 24 1-pound canisters, of a product labeled "Pure Black Pepper," and 32 unlabeled drums, each containing 185 pounds, and 1 unlabeled drum, containing 40 pounds, of a product purporting to be black pepper at New York, N. Y.; and 7 unlabeled drums, containing a total of about 558 pounds, of a product labeled "Ground Black Pepper" at North Bergen, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seed had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statements "Pure Black Pepper" and "Ground Black Pepper" were false and misleading as applied to a mixture of black pepper and paradise seed.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** The above cases were consolidated with other cases on May 16, 1951, in the District of New Jersey. On June 8, 1951, the Meer Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for remixing, repackaging, and labeling, under the supervision of the Food and Drug Administration.

**17493. Adulteration and misbranding of black pepper. U. S. v. 5 200-Pound Drums, etc. (and 5 other seizure actions).** (F. D. C. Nos. 30696, 30697, 30712, 30743, 31009, 31033. Sample Nos. 9080-L, 11376-L, 16176-L, 27831-L to 27833-L, incl., 28151-L, 30155-L, 30156-L,)

**LIBELS FILED:** March 15 and 16, on or about April 2, and May 10 and 25, 1951, Northern Districts of California, Ohio, and Illinois, District of Kansas, and Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 14, August 1 and 9, September 13, October 4, and November 24, 1950, and January 30 and February 1 and 12, 1951, by the Meer Corp., from New York, N. Y.

**PRODUCT:** Black pepper. 6 200-pound drums, 4 250-pound drums, and 1 100-pound drum at San Francisco, Calif.; 4 100-pound drums at Akron, Ohio; 9 250-pound drums at Chicago, Ill.; 6 250-pound drums at Kansas City, Kans.; and 3 200-pound drums at Seattle, Wash.

**LABEL, IN PART:** "Ground [or "Cracked"] Black Pepper," "Black Pepper Ground [or "Pure Ground"]," or "Decorticated Black [or "Black Decorticated"] Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seed had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the above-quoted label statements were false and misleading as applied to a product consisting of a mixture of black pepper and paradise seed.

**DISPOSITION:** The cases were consolidated with others in the District of New Jersey on May 16, 1951. On June 8, 1951, the Meer Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for remixing, repackaging, and relabeling, under the supervision of the Food and Drug Administration.

**17494. Adulteration and misbranding of black pepper. U. S. v. 1 Drum \* \* \*.**  
(F. D. C. No. 30858. Sample No. 25243-L.)

**LIBEL FILED:** March 20, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 19, 1951, by Morris Laboratory Co., Inc., from New York, N. Y.

**PRODUCT:** 1 85-pound drum of black pepper at Hammonton, N. J.

**LABEL, IN PART:** "Bucther Ground Black Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper and paradise seed had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the label statement "Ground Black Pepper" was false and misleading as applied to a mixture of black pepper and paradise seed.

**DISPOSITION:** May 25, 1951. Default decreee of condemnation. The court ordered that the product be delivered to a charitable institution.

**17495. Adulteration and misbranding of black pepper. U. S. v. 42 Cases \* \* \*.**  
(F. D. C. No. 30789. Sample No. 23999-L.)

**LIBEL FILED:** March 1, 1951, Eastern District of New York.

**ALLEGED SHIPMENT:** The product had been imported into the United States. Its origin and date of importation was unknown.

**PRODUCT:** 42 cases, each containing 24 3/4-ounce bottles, of black pepper at Brooklyn, N. Y.

**LABEL, IN PART:** (Bottle) "Muro Pure Black Pepper."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper, salt, and buckwheat hulls had been substituted in whole or in part for pure black pepper.

Misbranding, Section 403 (a), the label statement "Pure Black Pepper" was false and misleading as applied to a mixture of black pepper, salt, and buckwheat hulls.

**DISPOSITION:** May 10, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be delivered to charitable institutions, for human consumption.

**17496. Adulteration of black pepper. U. S. v. 1 Unlabeled Bag \* \* \*. (F. D. C. No. 30787. Sample No. 896-L.)**

**LIBEL FILED:** March 5, 1951, Western District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 15, 1951, by the Nelson Brokerage Co., from Atlanta, Ga.

**PRODUCT:** 1 unlabeled 25-pound bag of a product invoiced as "Pure Black Pepper" at Greer, S. C.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of black pepper, salt, and ground buckwheat had been substituted in whole or in part for pure black pepper.

**DISPOSITION:** April 10, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be delivered to a charitable institution for human consumption and not for sale or other disposition.

**17497. Adulteration of savory leaves. U. S. v. 32 Bags \* \* \*. (F. D. C. No. 30483. Sample No. 32963-K.)**

**LIBEL FILED:** January 17, 1951, Northern District of California.

**ALLEGED SHIPMENT:** On or about August 26, 1950, by B. C. Ireland, Inc., from New York, N. Y.

**PRODUCT:** 32 70-pound bags of savory leaves at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, insect excreta, and webbing.

**DISPOSITION:** March 5, 1951. Default decree of condemnation and destruction.

**17498. Adulteration and misbranding of vanilla extract. U. S. v. 32 Bottles \* \* \*. (F. D. C. No. 30728. Sample No. 13669-L.)**

**LIBEL FILED:** April 5, 1951, District of Colorado.

**ALLEGED SHIPMENT:** On or about February 2, 1951, by the Drew Corp. of America, from Brooklyn, N. Y.

**PRODUCT:** 32 1-quart bottles of vanilla extract at Denver, Colo.

**LABEL, IN PART:** "Drew's Pure Extract Vanilla Absolutely Pure."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing added extractive matter from sources other than vanilla had been substituted in whole or in part for vanilla extract.

Misbranding, Section 403 (a), the label statements "Pure Extract Vanilla Absolutely Pure" were false and misleading since the product contained added extractive matter from sources other than vanilla.

**DISPOSITION:** May 21, 1951. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

## **VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\***

**17499. Misbranding of crude black molasses. U. S. v. Clinton D. Keagy and John S. Riley, Jr. Pleas of nolo contendere. Fine of \$1,000 against each defendant, plus costs. (F. D. C. No. 30049. Sample Nos. 7789-K, 69196-K, 69375-K.)**

**INFORMATION FILED:** February 13, 1951, Western District of Pennsylvania, against Clinton D. Keagy and John S. Riley, Jr., New Castle, Pa.

**ALLEGED SHIPMENT:** On or about November 23, 1949, by Clinton D. Keagy, from the State of Pennsylvania into the State of New York, and on or about May 22, and June 15, 1950, by Clinton D. Keagy and John S. Riley, Jr., from the State of Pennsylvania into the States of New York and Ohio.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in a booklet entitled "Crude Black Molasses" accompanying the article were false and misleading. The statements represented and suggested that the article would be effective in the prevention and treatment of cancer, paralytic strokes, arthritis, ulcers, dermatitis, eczema, psoriasis, high blood pressure, angina pectoris, weak heart, constipation, colitis, varicose veins, mental dullness, tuberculosis, infections, sinus trouble, pernicious anemia, anemia, bladder trouble, difficult urination, gallstones, nervousness, menopausal difficulties, erysipelas, pyorrhea, premature graying of the hair, and brittle and crumbling finger nails. The article would not be effective in the prevention and treatment of such diseases and conditions.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3456.

**DISPOSITION:** May 21, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of \$1,000 against each defendant, plus costs.

**17500. Misbranding of Thorkon. U. S. v. 1,249 Packages \* \* \*. (F. D. C. No. 29730. Sample No. 85549-K.)**

**LIBEL FILED:** September 19, 1950, District of Minnesota; amended libel filed January 17, 1951.

**ALLEGED SHIPMENT:** On or about August 4, 11, 16, 28, and 29, 1950, by the Thorkon Co., from Atlanta, Ga.

**PRODUCT:** 1,249 50-tablet packages of Thorkon at Minneapolis, Minn.

**LABEL, IN PART:** (Package) "Thorkon A Nutritional Supplement."

\*See also Nos. 17457, 17460.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "The need in Human nutrition for Magnesium \* \* \* Copper \* \* \* Sodium \* \* \* Potassium \* \* \* has not been established" was false and misleading since the need in human nutrition for such elements has been established.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3477.

**DISPOSITION:** May 10, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.

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